

110TH CONGRESS
1ST SESSION

H. R. 2082

CONFERENCE REPORT

[To accompany H. R. 2082]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2082), to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- 2 (a) *SHORT TITLE.*—*This Act may be cited as the “In-*
3 *telligence Authorization Act for Fiscal Year 2008”.*

1 **(b) TABLE OF CONTENTS.—***The table of contents for*
 2 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Specific authorization of funds within the National Intelligence Program for which fiscal year 2008 appropriations exceed amounts authorized.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM**

Sec. 201. Authorization of appropriations.

Sec. 202. Technical modification to mandatory retirement provision of the Central Intelligence Agency Retirement Act.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Enhanced flexibility in nonreimbursable details to elements of the intelligence community.

Sec. 303. Multi-level security clearances.

Sec. 304. Pay authority for critical positions.

Sec. 305. Delegation of authority for travel on common carriers for intelligence collection personnel.

Sec. 306. Annual personnel level assessments for the intelligence community.

Sec. 307. Comprehensive report on intelligence community contractors.

Sec. 308. Report on proposed pay for performance intelligence community personnel management system.

Sec. 309. Report on plans to increase diversity within the intelligence community.

Subtitle B—Acquisition Matters

Sec. 311. Vulnerability assessments of major systems.

Sec. 312. Business enterprise architecture and business system modernization for the intelligence community.

Sec. 313. Reports on the acquisition of major systems.

Sec. 314. Excessive cost growth of major systems.

Subtitle C—Other Matters

Sec. 321. Restriction on conduct of intelligence activities.

Sec. 322. Clarification of definition of intelligence community under the National Security Act of 1947.

Sec. 323. Modification of availability of funds for different intelligence activities.

Sec. 324. Protection of certain national security information.

- Sec. 325. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.*
- Sec. 326. Report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.*
- Sec. 327. Limitation on interrogation techniques.*
- Sec. 328. Limitation on use of funds.*
- Sec. 329. Incorporation of reporting requirements.*
- Sec. 330. Repeal of certain reporting requirements.*

**TITLE IV—MATTERS RELATING TO ELEMENTS OF THE
INTELLIGENCE COMMUNITY**

Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Clarification of limitation on colocation of the Office of the Director of National Intelligence.*
- Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.*
- Sec. 403. Additional duties of the Director of Science and Technology.*
- Sec. 404. Leadership and location of certain offices and officials.*
- Sec. 405. Plan to implement recommendations of the data center energy efficiency reports.*
- Sec. 406. Comprehensive listing of special access programs.*
- Sec. 407. Reports on the nuclear programs of Iran and North Korea.*
- Sec. 408. Requirements for accountability reviews by the Director of National Intelligence.*
- Sec. 409. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.*
- Sec. 410. Authorities for intelligence information sharing.*
- Sec. 411. Authorities of the Director of National Intelligence for interagency funding.*
- Sec. 412. Title of Chief Information Officer of the Intelligence Community.*
- Sec. 413. Inspector General of the Intelligence Community.*
- Sec. 414. Annual report on foreign language proficiency in the intelligence community.*
- Sec. 415. Director of National Intelligence report on retirement benefits for former employees of Air America.*
- Sec. 416. Space intelligence.*
- Sec. 417. Operational files in the Office of the Director of National Intelligence.*
- Sec. 418. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.*
- Sec. 419. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.*
- Sec. 420. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.*

Subtitle B—Central Intelligence Agency

- Sec. 431. Review of covert action programs by Inspector General of the Central Intelligence Agency.*
- Sec. 432. Inapplicability to Director of the Central Intelligence Agency of requirement for annual report on progress in auditable financial statements.*
- Sec. 433. Additional functions and authorities for protective personnel of the Central Intelligence Agency.*

- Sec. 434. Technical amendments relating to titles of certain Central Intelligence Agency positions.*
- Sec. 435. Clarifying amendments relating to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.*

Subtitle C—Defense Intelligence Components

- Sec. 441. Enhancement of National Security Agency training program.*
- Sec. 442. Codification of authorities of National Security Agency protective personnel.*
- Sec. 443. Inspector general matters.*
- Sec. 444. Confirmation of appointment of heads of certain components of the intelligence community.*
- Sec. 445. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.*
- Sec. 446. Security clearances in the National Geospatial-Intelligence Agency.*

Subtitle D—Other Elements

- Sec. 451. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.*

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

- Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.*
- Sec. 502. Report on intelligence activities.*
- Sec. 503. Aerial reconnaissance platforms.*

Subtitle B—Technical Amendments

- Sec. 511. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.*
- Sec. 512. Technical amendment to the Central Intelligence Agency Act of 1949.*
- Sec. 513. Technical amendments relating to the multiyear National Intelligence Program.*
- Sec. 514. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.*
- Sec. 515. Technical amendments to the National Security Act of 1947.*
- Sec. 516. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.*
- Sec. 517. Technical amendments to the Executive Schedule.*

1 SEC. 2. DEFINITIONS.

2 *In this Act:*

1 (1) *CONGRESSIONAL INTELLIGENCE COMMIT-*
2 *TEES.*—*The term “congressional intelligence commit-*
3 *tees” means—*

4 (A) *the Select Committee on Intelligence of*
5 *the Senate; and*

6 (B) *the Permanent Select Committee on In-*
7 *telligence of the House of Representatives.*

8 (2) *ELEMENT OF THE INTELLIGENCE COMMU-*
9 *NITY.*—*The term “element of the intelligence commu-*
10 *nity” means an element of the intelligence community*
11 *listed in or designated under section 3(4) of the Na-*
12 *tional Security Act of 1947 (50 U.S.C. 401a(4)).*

13 (3) *INTELLIGENCE COMMUNITY.*—*The term “in-*
14 *telligence community” has the meaning given that*
15 *term in section 3(4) of the National Security Act of*
16 *1947 (50 U.S.C. 401a(4)).*

17 **TITLE I—BUDGET AND**
18 **PERSONNEL AUTHORIZATIONS**

19 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

20 *Funds are hereby authorized to be appropriated for fis-*
21 *cal year 2008 for the conduct of the intelligence and intel-*
22 *ligence-related activities of the following elements of the*
23 *United States Government:*

24 (1) *The Office of the Director of National Intel-*
25 *ligence.*

1 (2) *The Central Intelligence Agency.*

2 (3) *The Department of Defense.*

3 (4) *The Defense Intelligence Agency.*

4 (5) *The National Security Agency.*

5 (6) *The Department of the Army, the Depart-*
6 *ment of the Navy, and the Department of the Air*
7 *Force.*

8 (7) *The Coast Guard.*

9 (8) *The Department of State.*

10 (9) *The Department of the Treasury.*

11 (10) *The Department of Energy.*

12 (11) *The Department of Justice.*

13 (12) *The Federal Bureau of Investigation.*

14 (13) *The Drug Enforcement Administration.*

15 (14) *The National Reconnaissance Office.*

16 (15) *The National Geospatial-Intelligence Agen-*
17 *cy.*

18 (16) *The Department of Homeland Security.*

19 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

20 (a) *SPECIFICATIONS OF AMOUNTS AND PERSONNEL*

21 *LEVELS.—The amounts authorized to be appropriated*

22 *under section 101 and, subject to section 103, the authorized*

23 *personnel ceilings as of September 30, 2008, for the conduct*

24 *of the intelligence activities of the elements listed in para-*

25 *graphs (1) through (16) of section 101, are those specified*

1 *in the classified Schedule of Authorizations prepared to ac-*
2 *company the conference report on the bill H.R. 2082 of the*
3 *One Hundred Tenth Congress.*

4 (b) *AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-*
5 *THORIZATIONS.*—*The classified Schedule of Authorizations*
6 *referred to in subsection (a) shall be made available to the*
7 *Committee on Appropriations of the Senate, the Committee*
8 *on Appropriations of the House of Representatives, and to*
9 *the President. The President shall provide for suitable dis-*
10 *tribution of the Schedule, or of appropriate portions of the*
11 *Schedule, within the executive branch.*

12 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

13 (a) *AUTHORITY FOR INCREASES.*—*With the approval*
14 *of the Director of the Office of Management and Budget,*
15 *the Director of National Intelligence may authorize employ-*
16 *ment of civilian personnel in excess of the number author-*
17 *ized for fiscal year 2008 by the classified Schedule of Au-*
18 *thorizations referred to in section 102(a) if the Director of*
19 *National Intelligence determines that such action is nec-*
20 *essary to the performance of important intelligence func-*
21 *tions, except that the number of personnel employed in ex-*
22 *cess of the number authorized under such section may not,*
23 *for any element of the intelligence community, exceed 3 per-*
24 *cent of the number of civilian personnel authorized under*
25 *such Schedule for such element.*

1 **(b) TRANSITION TO FULL-TIME EQUIVALENCY.—**

2 **(1) TREATMENT FOR FISCAL YEAR 2008.—***For fis-*
3 *cal year 2008, the Director of National Intelligence,*
4 *in consultation with the head of each element of the*
5 *intelligence community, may treat the personnel ceil-*
6 *ings authorized under the classified Schedule of Au-*
7 *thorizations referred to in section 102(a) as full-time*
8 *equivalents.*

9 **(2) CONSIDERATION.—***In exercising the author-*
10 *ity described in paragraph (1), the Director of Na-*
11 *tional Intelligence may consider the circumstances*
12 *under which civilian employees are employed and ac-*
13 *counted for at each element of the intelligence commu-*
14 *nity in—*

15 **(A)** *a student program, trainee program, or*
16 *similar program;*

17 **(B)** *reserve corps or equivalent status as a*
18 *reemployed annuitant or other employee;*

19 **(C)** *a joint duty rotational assignment; or*

20 **(D)** *other full-time or part-time status.*

21 **(3) NOTIFICATION TO CONGRESS.—***Not later*
22 *than 90 days after the date of the enactment of this*
23 *Act, the Director of National Intelligence shall notify*
24 *the congressional intelligence committees in writing*
25 *of—*

1 (A) the policies for implementing the au-
2 thorities described in paragraphs (1) and (2);
3 and

4 (B) the number of all civilian personnel em-
5 ployed by, or anticipated to be employed by, each
6 element of the intelligence community during fis-
7 cal year 2008 accounted for—

8 (i) by position;

9 (ii) by full-time equivalency; or

10 (iii) by any other method.

11 (4) *TREATMENT FOR FISCAL YEAR 2009.*—The
12 Director of National Intelligence shall express the per-
13 sonnel levels for all civilian employees for each ele-
14 ment of the intelligence community in the congres-
15 sional budget justifications submitted for fiscal year
16 2009 as full-time equivalent positions.

17 (c) *AUTHORITY FOR CONVERSION OF ACTIVITIES PER-*
18 *FORMED BY CONTRACTORS.*—In addition to the authority
19 in subsection (a), upon a determination by the head of an
20 element of the intelligence community that activities cur-
21 rently being performed by contractor employees should be
22 performed by government employees, the concurrence of the
23 Director of National Intelligence in such determination,
24 and the approval of the Director of the Office of Manage-
25 ment and Budget, the Director of National Intelligence may

1 *authorize for that purpose employment of additional full-*
2 *time equivalent personnel in such element of the intelligence*
3 *community equal to the number that is—*

4 (1) *in the case of personnel of Office of the Direc-*
5 *tor of National Intelligence, not more than 5 percent*
6 *of the number of such personnel authorized for fiscal*
7 *year 2008 by the classified Schedule of Authorizations*
8 *referred to in section 102(a); or*

9 (2) *except as provided in paragraph (1), not*
10 *more than 10 percent of the number authorized for*
11 *fiscal year 2008 by the classified Schedule of Author-*
12 *izations referred to in section 102(a).*

13 (d) *NOTICE TO CONGRESSIONAL INTELLIGENCE COM-*
14 *MITTEES.—The Director of National Intelligence shall no-*
15 *tify the congressional intelligence committees in writing at*
16 *least 15 days prior to each exercise of an authority de-*
17 *scribed in subsection (a) or (c).*

18 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
19 **COUNT.**

20 (a) *AUTHORIZATION OF APPROPRIATIONS.—There is*
21 *authorized to be appropriated for the Intelligence Commu-*
22 *nity Management Account of the Director of National Intel-*
23 *ligence for fiscal year 2008 the sum of \$734,126,000. Within*
24 *such amount, funds identified in the classified Schedule of*
25 *Authorizations referred to in section 102(a) for advanced*

1 *research and development shall remain available until Sep-*
2 *tember 30, 2009.*

3 **(b) AUTHORIZED PERSONNEL LEVELS.**—*The elements*
4 *within the Intelligence Community Management Account of*
5 *the Director of National Intelligence are authorized 952*
6 *full-time or full-time equivalent personnel as of September*
7 *30, 2008. Personnel serving in such elements may be perma-*
8 *nent employees of the Office of the Director of National In-*
9 *telligence or personnel detailed from other elements of the*
10 *United States Government.*

11 **(c) CONSTRUCTION OF AUTHORITIES.**—*The authorities*
12 *available to the Director of National Intelligence under sec-*
13 *tion 103 are also available to the Director for the adjust-*
14 *ment of personnel levels within the Intelligence Community*
15 *Management Account.*

16 **(d) CLASSIFIED AUTHORIZATIONS.**—

17 **(1) AUTHORIZATION OF APPROPRIATIONS.**—*In*
18 *addition to amounts authorized to be appropriated*
19 *for the Intelligence Community Management Account*
20 *by subsection (a), there are authorized to be appro-*
21 *priated for the Community Management Account for*
22 *fiscal year 2008 such additional amounts as are spec-*
23 *ified in the classified Schedule of Authorizations re-*
24 *ferred to in section 102(a). Such additional amounts*

1 *for advanced research and development shall remain*
2 *available until September 30, 2009.*

3 (2) *AUTHORIZATION OF PERSONNEL.—In addi-*
4 *tion to the personnel authorized by subsection (b) for*
5 *elements of the Intelligence Community Management*
6 *Account as of September 30, 2008, there are author-*
7 *ized such additional personnel for the Community*
8 *Management Account as of that date as are specified*
9 *in the classified Schedule of Authorizations referred to*
10 *in section 102(a).*

11 (e) *NATIONAL DRUG INTELLIGENCE CENTER.—*

12 (1) *IN GENERAL.—Of the amount authorized to*
13 *be appropriated in subsection (a), \$39,000,000 shall*
14 *be available for the National Drug Intelligence Cen-*
15 *ter. Within such amount, funds provided for research,*
16 *development, testing, and evaluation purposes shall*
17 *remain available until September 30, 2009, and funds*
18 *provided for procurement purposes shall remain*
19 *available until September 30, 2010.*

20 (2) *TRANSFER OF FUNDS.—The Director of Na-*
21 *tional Intelligence shall transfer to the Attorney Gen-*
22 *eral funds available for the National Drug Intel-*
23 *ligence Center under paragraph (1). The Attorney*
24 *General shall utilize funds so transferred for the ac-*
25 *tivities of the National Drug Intelligence Center.*

1 (3) *LIMITATION.*—Amounts available for the Na-
2 tional Drug Intelligence Center may not be used for
3 purposes of exercising police, subpoena, or law en-
4 forcement powers or internal security functions.

5 (4) *AUTHORITY.*—Notwithstanding any other
6 provision of law, the Attorney General shall retain
7 full authority over the operations of the National
8 Drug Intelligence Center.

9 **SEC. 105. SPECIFIC AUTHORIZATION OF FUNDS WITHIN**
10 **THE NATIONAL INTELLIGENCE PROGRAM**
11 **FOR WHICH FISCAL YEAR 2008 APPROPRIA-**
12 **TIONS EXCEED AMOUNTS AUTHORIZED.**

13 *Funds appropriated for an intelligence or intelligence-*
14 *related activity within the National Intelligence Program*
15 *for fiscal year 2008 in excess of the amount specified for*
16 *such activity in the classified Schedule of Authorizations*
17 *referred to in section 102(a) shall be deemed to be specifi-*
18 *cally authorized by Congress for purposes of section*
19 *504(a)(3) of the National Security Act of 1947 (50 U.S.C.*
20 *414(a)(3)).*

1 **TITLE II—CENTRAL INTEL-**
2 **LIGENCE AGENCY RETIRE-**
3 **MENT AND DISABILITY SYS-**
4 **TEM**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 *There is authorized to be appropriated for the Central*
7 *Intelligence Agency Retirement and Disability Fund for fis-*
8 *cal year 2008 the sum of \$262,500,000.*

9 **SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RE-**
10 **TIREMENT PROVISION OF THE CENTRAL IN-**
11 **TELLIGENCE AGENCY RETIREMENT ACT.**

12 *Subparagraph (A) of section 235(b)(1) of the Central*
13 *Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1))*
14 *is amended by striking “receiving compensation under the*
15 *Senior Intelligence Service pay schedule at the rate” and*
16 *inserting “who is at the Senior Intelligence Service rank”.*

17 **TITLE III—GENERAL INTEL-**
18 **LIGENCE COMMUNITY MAT-**
19 **TERS**

20 **Subtitle A—Personnel Matters**

21 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
22 **BENEFITS AUTHORIZED BY LAW.**

23 *Appropriations authorized by this Act for salary, pay,*
24 *retirement, and other benefits for Federal employees may*
25 *be increased by such additional or supplemental amounts*

1 *as may be necessary for increases in such compensation or*
2 *benefits authorized by law.*

3 **SEC. 302. ENHANCED FLEXIBILITY IN NONREIMBURSABLE**
4 **DETAILS TO ELEMENTS OF THE INTEL-**
5 **LIGENCE COMMUNITY.**

6 *Except as provided in section 113 of the National Se-*
7 *curity Act of 1947 (50 U.S.C. 404h) and section 904(g)(2)*
8 *of the Counterintelligence Enhancement Act of 2002 (title*
9 *IX of Public Law 107–306; 50 U.S.C. 402c(g)(2)) and not-*
10 *withstanding any other provision of law, in any fiscal year*
11 *after fiscal year 2007 an officer or employee of the United*
12 *States or member of the Armed Forces may be detailed to*
13 *the staff of an element of the intelligence community funded*
14 *through the Community Management Account from another*
15 *element of the United States Government on a reimbursable*
16 *or nonreimbursable basis, as jointly agreed to by the Direc-*
17 *tor of National Intelligence and the head of the detailing*
18 *element (or the designees of such officials), for a period not*
19 *to exceed 2 years.*

20 **SEC. 303. MULTI-LEVEL SECURITY CLEARANCES.**

21 *(a) IN GENERAL.—Section 102A of the National Secu-*
22 *rity Act of 1947 (50 U.S.C. 403–1) is amended by adding*
23 *at the end the following new subsection:*

24 *“(s) MULTI-LEVEL SECURITY CLEARANCES.—The Di-*
25 *rector of National Intelligence shall be responsible for ensur-*

1 *ing that the elements of the intelligence community adopt*
2 *a multi-level security clearance approach in order to enable*
3 *the intelligence community to make more effective and effi-*
4 *cient use of persons proficient in foreign languages or with*
5 *cultural, linguistic, or other subject matter expertise that*
6 *is critical to national security.”.*

7 **(b) IMPLEMENTATION.**—*The Director of National In-*
8 *telligence shall issue guidelines to the intelligence commu-*
9 *nity on the implementation of subsection (s) of section 102A*
10 *of the National Security Act of 1947, as added by subsection*
11 *(a), not later than 180 days after the date of the enactment*
12 *of this Act.*

13 **SEC. 304. PAY AUTHORITY FOR CRITICAL POSITIONS.**

14 *Section 102A of the National Security Act of 1947 (50*
15 *U.S.C. 403–1), as amended by section 303 of this Act, is*
16 *further amended by adding at the end the following new*
17 *subsection:*

18 **“(t) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1)**
19 *Notwithstanding any pay limitation established under any*
20 *other provision of law applicable to employees in elements*
21 *of the intelligence community, the Director of National In-*
22 *telligence may, in consultation with the Director of the Of-*
23 *fice of Personnel Management and the Director of the Office*
24 *of Management and Budget, grant authority to fix the rate*
25 *of basic pay for 1 or more positions within the intelligence*

1 *community at a rate in excess of any applicable limitation,*
2 *subject to the provisions of this subsection. The exercise of*
3 *authority so granted is at the discretion of the head of the*
4 *department or agency employing the individual in a posi-*
5 *tion covered by such authority, subject to the provisions of*
6 *this subsection and any conditions established by the Direc-*
7 *tor of National Intelligence when granting such authority.*

8 “(2) *Authority under this subsection may be granted*
9 *or exercised—*

10 “(A) *only with respect to a position which re-*
11 *quires an extremely high level of expertise and is crit-*
12 *ical to successful accomplishment of an important*
13 *mission; and*

14 “(B) *only to the extent necessary to recruit or re-*
15 *tain an individual exceptionally well qualified for the*
16 *position.*

17 “(3) *A rate of basic pay may not be fixed under this*
18 *subsection at a rate greater than the rate payable for level*
19 *II of the Executive Schedule under section 5312 of title 5,*
20 *United States Code, except upon written approval of the*
21 *Director of National Intelligence or as otherwise authorized*
22 *by law.*

23 “(4) *A rate of basic pay may not be fixed under this*
24 *subsection at a rate greater than the rate payable for level*
25 *I of the Executive Schedule under section 5311 of title 5,*

1 *United States Code, except upon written approval of the*
2 *President in response to a request by the Director of Na-*
3 *tional Intelligence or as otherwise authorized by law.*

4 “(5) *Any grant of authority under this subsection for*
5 *a position shall terminate at the discretion of the Director*
6 *of National Intelligence.*”.

7 **SEC. 305. DELEGATION OF AUTHORITY FOR TRAVEL ON**
8 **COMMON CARRIERS FOR INTELLIGENCE COL-**
9 **LECTION PERSONNEL.**

10 (a) *DELEGATION OF AUTHORITY.*—Section 116(b) of
11 *the National Security Act of 1947 (50 U.S.C. 404k(b)) is*
12 *amended—*

13 (1) *by inserting “(1)” before “The Director”;*

14 (2) *in paragraph (1), as designated by para-*
15 *graph (1) of this subsection, by striking “may only*
16 *delegate” and all that follows and inserting “may del-*
17 *egate the authority in subsection (a) to the head of*
18 *any other element of the intelligence community.”;*
19 *and*

20 (3) *by adding at the end the following new para-*
21 *graph:*

22 “(2) *The head of an element of the intelligence commu-*
23 *nity to whom the authority in subsection (a) is delegated*
24 *pursuant to paragraph (1) may further delegate such au-*
25 *thority to such senior officials of such element as are speci-*

1 *fied in guidelines prescribed by the Director of National In-*
2 *telligence for purposes of this paragraph.”.*

3 **(b) SUBMISSION OF GUIDELINES TO CONGRESS.**—*Not*
4 *later than 6 months after the date of the enactment of this*
5 *Act, the Director of National Intelligence shall prescribe*
6 *and submit to the congressional intelligence committees the*
7 *guidelines referred to in paragraph (2) of section 116(b)*
8 *of the National Security Act of 1947, as added by subsection*
9 *(a).*

10 **SEC. 306. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR**
11 **THE INTELLIGENCE COMMUNITY.**

12 **(a) IN GENERAL.**—*Title V of the National Security*
13 *Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting*
14 *after section 506A the following new section:*

15 **“SEC. 506B. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR**
16 **THE INTELLIGENCE COMMUNITY.**

17 **“(a) REQUIREMENT TO PROVIDE.**—*The Director of*
18 *National Intelligence shall, in consultation with the head*
19 *of the element of the intelligence community concerned, pre-*
20 *pare an annual personnel level assessment for such element*
21 *of the intelligence community that assesses the personnel*
22 *levels for each such element for the fiscal year following the*
23 *fiscal year in which the assessment is submitted.*

24 **“(b) SCHEDULE.**—*Each assessment required by sub-*
25 *section (a) shall be submitted to the congressional intel-*

1 *ligence committees each year along with the budget sub-*
2 *mitted by the President under section 1105 of title 31,*
3 *United States Code.*

4 “(c) *CONTENTS.—Each assessment required by sub-*
5 *section (a) submitted during a fiscal year shall contain, at*
6 *a minimum, the following information for the element of*
7 *the intelligence community concerned:*

8 “(1) *The budget submission for personnel costs*
9 *for the upcoming fiscal year.*

10 “(2) *The dollar and percentage increase or de-*
11 *crease of such costs as compared to the personnel costs*
12 *of the current fiscal year.*

13 “(3) *The dollar and percentage increase or de-*
14 *crease of such costs as compared to the personnel costs*
15 *during the prior 5 fiscal years.*

16 “(4) *The number of personnel positions requested*
17 *for the upcoming fiscal year.*

18 “(5) *The numerical and percentage increase or*
19 *decrease of such number as compared to the number*
20 *of personnel positions of the current fiscal year.*

21 “(6) *The numerical and percentage increase or*
22 *decrease of such number as compared to the number*
23 *of personnel positions during the prior 5 fiscal years.*

1 “(7) *The best estimate of the number and costs*
2 *of contractors to be funded by the element for the up-*
3 *coming fiscal year.*

4 “(8) *The numerical and percentage increase or*
5 *decrease of such costs of contractors as compared to*
6 *the best estimate of the costs of contractors of the cur-*
7 *rent fiscal year.*

8 “(9) *The numerical and percentage increase or*
9 *decrease of such costs of contractors as compared to*
10 *the cost of contractors, and the number of contractors,*
11 *during the prior 5 fiscal years.*

12 “(10) *A written justification for the requested*
13 *personnel and contractor levels.*

14 “(11) *The number of intelligence collectors and*
15 *analysts employed or contracted by each element of*
16 *the intelligence community.*

17 “(12) *A list of all contractors that have been the*
18 *subject of an investigation completed by the Inspector*
19 *General of any element of the intelligence community*
20 *during the preceding fiscal year, or are or have been*
21 *the subject of an investigation by such an Inspector*
22 *General during the current fiscal year.*

23 “(13) *A statement by the Director of National*
24 *Intelligence that, based on current and projected fund-*
25 *ing, the element concerned will have sufficient—*

1 “(A) *internal infrastructure to support the*
2 *requested personnel and contractor levels;*

3 “(B) *training resources to support the re-*
4 *quested personnel levels; and*

5 “(C) *funding to support the administrative*
6 *and operational activities of the requested per-*
7 *sonnel levels.”.*

8 (b) *CLERICAL AMENDMENT.—The table of contents in*
9 *the first section of that Act is amended by inserting after*
10 *the item relating to section 506A the following new item:*
 “Sec. 506B. Annual personnel levels assessment for the intelligence community.”.

11 **SEC. 307. COMPREHENSIVE REPORT ON INTELLIGENCE**
12 **COMMUNITY CONTRACTORS.**

13 (a) *REQUIREMENT FOR REPORT.—Not later than*
14 *March 31, 2008, the Director of National Intelligence shall*
15 *submit to the congressional intelligence committees a report*
16 *describing the personal services activities performed by con-*
17 *tractors across the intelligence community, the impact of*
18 *such contractors on the intelligence community workforce,*
19 *plans for conversion of contractor employment into govern-*
20 *ment employment, and the accountability mechanisms that*
21 *govern the performance of such contractors.*

22 (b) *CONTENT.—*

23 (1) *IN GENERAL.—The report submitted under*
24 *subsection (a) shall include—*

1 (A) a description of any relevant regula-
2 tions or guidance issued by the Director of Na-
3 tional Intelligence or the head of an element of
4 the intelligence community relating to minimum
5 standards required regarding the hiring, train-
6 ing, security clearance, and assignment of con-
7 tract personnel and how those standards may
8 differ from those for government employees per-
9 forming substantially similar functions;

10 (B) an identification of contracts where the
11 contractor is providing a substantially similar
12 functions to a government employee;

13 (C) an assessment of costs incurred or sav-
14 ings achieved by awarding contracts for the per-
15 formance of such functions referred to in sub-
16 paragraph (B) instead of using full-time employ-
17 ees of the elements of the intelligence community
18 to perform such functions;

19 (D) an assessment of the appropriateness of
20 using contractors to perform the activities de-
21 scribed in paragraph (2);

22 (E) an estimate of the number of contracts,
23 and the number of personnel working under such
24 contracts, related to the performance of activities
25 described in paragraph (2);

1 (F) a comparison of the compensation of
2 contract employees and government employees
3 performing substantially similar functions;

4 (G) an analysis of the attrition of govern-
5 ment personnel for contractor positions that pro-
6 vide substantially similar functions;

7 (H) a description of positions that will be
8 converted from contractor employment to govern-
9 ment employment under the authority described
10 in section 103(c) of this Act and the justification
11 for such conversion;

12 (I) an analysis of accountability mecha-
13 nisms within services contracts awarded for in-
14 telligence activities by each element of the intel-
15 ligence community during fiscal years 2006 and
16 2007;

17 (J) an analysis of procedures in use in the
18 intelligence community for conducting oversight
19 of contractors to ensure identification and pros-
20 ecution of criminal violations, financial waste,
21 fraud, or other abuses committed by contractors
22 or contract personnel; and

23 (K) an identification of best practices of ac-
24 countability mechanisms within services con-
25 tracts.

1 (2) *ACTIVITIES.*—*Activities described in this*
2 *paragraph are the following:*

3 (A) *Intelligence collection.*

4 (B) *Intelligence analysis.*

5 (C) *Covert actions, including rendition, de-*
6 *tention, and interrogation activities.*

7 **SEC. 308. REPORT ON PROPOSED PAY FOR PERFORMANCE**
8 **INTELLIGENCE COMMUNITY PERSONNEL**
9 **MANAGEMENT SYSTEM.**

10 (a) *PROHIBITION ON PAY FOR PERFORMANCE UNTIL*
11 *REPORT.*—*The Director of National Intelligence and the*
12 *head of an element of the intelligence community may not*
13 *implement a plan that provides compensation to personnel*
14 *of that element of the intelligence community based on per-*
15 *formance until the date that is 45 days after the date on*
16 *which the Director of National Intelligence submits a report*
17 *for that element under subsection (b).*

18 (b) *REPORT.*—*The Director of National Intelligence*
19 *shall submit to Congress a report on performance-based*
20 *compensation for each element of the intelligence commu-*
21 *nity, including, with respect to each such element—*

22 (1) *an implementation time line which includes*
23 *target dates for completion of—*

24 (A) *the development of performance ap-*
25 *praisal plans;*

1 (B) establishment of oversight and appeal
2 mechanisms;

3 (C) deployment of information technology
4 systems;

5 (D) management training;

6 (E) employee training;

7 (F) compensation transition; and

8 (G) full operational capacity;

9 (2) an estimated budget for the implementation
10 of the performance-based compensation system;

11 (3) an evaluation plan to monitor the implemen-
12 tation of the performance-based compensation system
13 and to improve and modify such system;

14 (4) written standards for measuring the perform-
15 ance of employees;

16 (5) a description of the performance-based com-
17 pensation system, including budget oversight mecha-
18 nisms to ensure sufficient funds to pay employees for
19 bonuses;

20 (6) a description of internal and external ac-
21 countability mechanisms to ensure the fair treatment
22 of employees;

23 (7) a plan for initial and ongoing training for
24 senior executives, managers, and employees;

1 (8) a description of the role of any advisory com-
2 mittee or other mechanism designed to gather the
3 input of employees relating to the creation and imple-
4 mentation of the system;

5 (9) an assessment of the impact of the perform-
6 ance-based compensation system on women, minori-
7 ties, persons with disabilities, and veterans; and

8 (10) an assessment of the consistency of the plan
9 described in subsection (a) for such element with the
10 plans of the Director of National Intelligence for a
11 performance-based compensation system for the intel-
12 ligence community.

13 **SEC. 309. REPORT ON PLANS TO INCREASE DIVERSITY**
14 **WITHIN THE INTELLIGENCE COMMUNITY.**

15 (a) **REQUIREMENT FOR REPORT.**—Not later than
16 March 31, 2008, the Director of National Intelligence, in
17 coordination with the heads of the elements of the intel-
18 ligence community, shall submit to the congressional intel-
19 ligence committees a report on the plans of each element
20 to increase diversity within the intelligence community.

21 (b) **CONTENT.**—The report required by subsection (a)
22 shall include specific implementation plans to increase di-
23 versity within each element of the intelligence community,
24 including—

1 (1) *specific implementation plans for each such*
2 *element designed to achieve the goals articulated in*
3 *the strategic plan of the Director of National Intel-*
4 *ligence on equal employment opportunity and diver-*
5 *sity;*

6 (2) *specific plans and initiatives for each such*
7 *element to increase recruiting and hiring of diverse*
8 *candidates;*

9 (3) *specific plans and initiatives for each such*
10 *element to improve retention of diverse Federal em-*
11 *ployees at the junior, midgrade, senior, and manage-*
12 *ment levels;*

13 (4) *a description of specific diversity awareness*
14 *training and education programs for senior officials*
15 *and managers of each such element; and*

16 (5) *a description of performance metrics to*
17 *measure the success of carrying out the plans, initia-*
18 *tives, and programs described in paragraphs (1)*
19 *through (4).*

20 ***Subtitle B—Acquisition Matters***

21 ***SEC. 311. VULNERABILITY ASSESSMENTS OF MAJOR SYS-***

22 ***TEMS.***

23 (a) *IN GENERAL.*—*Title V of the National Security*
24 *Act of 1947 (50 U.S.C. 413 et seq.), as amended by section*

1 306 of this Act, is further amended by inserting after section
2 506B, as added by section 306(a), the following new section:

3 “VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

4 “SEC. 506C. (a) INITIAL VULNERABILITY ASSESS-
5 MENTS.—The Director of National Intelligence shall con-
6 duct an initial vulnerability assessment for any major sys-
7 tem and its significant items of supply that is proposed
8 for inclusion in the National Intelligence Program prior to
9 completion of Milestone B or an equivalent acquisition deci-
10 sion. The initial vulnerability assessment of a major system
11 and its significant items of supply shall, at a minimum,
12 use an analysis-based approach to—

13 “(1) identify vulnerabilities;

14 “(2) define exploitation potential;

15 “(3) examine the system’s potential effectiveness;

16 “(4) determine overall vulnerability; and

17 “(5) make recommendations for risk reduction.

18 “(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—

19 (1) The Director of National Intelligence shall conduct sub-
20 sequent vulnerability assessments of each major system and
21 its significant items of supply within the National Intel-
22 ligence Program—

23 “(A) periodically throughout the life span of the
24 major system;

1 “(B) whenever the Director determines that a
2 change in circumstances warrants the issuance of a
3 subsequent vulnerability assessment; or

4 “(C) upon the request of a congressional intel-
5 ligence committee.

6 “(2) Any subsequent vulnerability assessment of a
7 major system and its significant items of supply shall, at
8 a minimum, use an analysis-based approach and, if appli-
9 cable, a testing-based approach, to monitor the exploitation
10 potential of such system and reexamine the factors described
11 in paragraphs (1) through (5) of subsection (a).

12 “(c) MAJOR SYSTEM MANAGEMENT.—The Director of
13 National Intelligence shall give due consideration to the vul-
14 nerability assessments prepared for a given major system
15 when developing and determining the annual consolidated
16 National Intelligence Program budget.

17 “(d) CONGRESSIONAL OVERSIGHT.—(1) The Director
18 of National Intelligence shall provide to the congressional
19 intelligence committees a copy of each vulnerability assess-
20 ment conducted under subsection (a) or (b) not later than
21 10 days after the date of the completion of such assessment.

22 “(2) The Director of National Intelligence shall pro-
23 vide the congressional intelligence committees with a pro-
24 posed schedule for subsequent vulnerability assessments of
25 a major system under subsection (b) when providing such

1 *committees with the initial vulnerability assessment under*
2 *subsection (a) of such system as required by subsection (d).*

3 “(e) *DEFINITIONS.—In this section:*

4 “(1) *The term ‘items of supply’—*

5 “(A) *means any individual part, compo-*
6 *nent, subassembly, assembly, or subsystem inte-*
7 *gral to a major system, and other property*
8 *which may be replaced during the service life of*
9 *the major system, including spare parts and re-*
10 *plenishment parts; and*

11 “(B) *does not include packaging or labeling*
12 *associated with shipment or identification of*
13 *items.*

14 “(2) *The term ‘major system’ has the meaning*
15 *given that term in section 506A(e).*

16 “(3) *The term ‘Milestone B’ means a decision to*
17 *enter into system development and demonstration*
18 *pursuant to guidance prescribed by the Director of*
19 *National Intelligence.*

20 “(4) *The term ‘vulnerability assessment’ means*
21 *the process of identifying and quantifying*
22 *vulnerabilities in a major system and its significant*
23 *items of supply.”.*

24 (b) *CLERICAL AMENDMENT.—The table of contents in*
25 *the first section of the National Security Act of 1947, as*

1 *amended by section 306 of this Act, is further amended by*
 2 *inserting after the item relating to section 506B, as added*
 3 *by section 306(b), the following:*

“Sec. 506C. Vulnerability assessments of major systems.”.

4 **SEC. 312. BUSINESS ENTERPRISE ARCHITECTURE AND**
 5 **BUSINESS SYSTEM MODERNIZATION FOR THE**
 6 **INTELLIGENCE COMMUNITY.**

7 (a) *BUSINESS ENTERPRISE ARCHITECTURE AND*
 8 *BUSINESS SYSTEM MODERNIZATION.—*

9 (1) *IN GENERAL.—Title V of the National Secu-*
 10 *urity Act of 1947 (50 U.S.C. 413 et seq.), as amended*
 11 *by sections 306 and 311 of this Act, is further amend-*
 12 *ed by inserting after section 506C, as added by sec-*
 13 *tion 311(a), the following new section:*

14 *“INTELLIGENCE COMMUNITY BUSINESS SYSTEMS,*
 15 *ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION*
 16 *“SEC. 506D. (a) LIMITATION ON OBLIGATION OF*
 17 *FUNDS FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM*
 18 *MODERNIZATION.—(1) After April 1, 2008, no funds appro-*
 19 *riated to any element of the intelligence community may*
 20 *be obligated for an intelligence community business system*
 21 *modernization described in paragraph (2) unless—*

22 *“(A) the approval authority designated by the*
 23 *Director of National Intelligence under subsection*
 24 *(c)(2) makes the certification described in paragraph*

1 (3) *with respect to the intelligence community busi-*
2 *ness system modernization; and*

3 “(B) *the certification is approved by the Intel-*
4 *ligence Community Business Systems Management*
5 *Committee established under subsection (f).*

6 “(2) *An intelligence community business system mod-*
7 *ernization described in this paragraph is an intelligence*
8 *community business system modernization that—*

9 “(A) *will have a total cost in excess of*
10 *\$1,000,000; and*

11 “(B) *will receive more than 50 percent of the*
12 *funds for such cost from amounts appropriated for the*
13 *National Intelligence Program.*

14 “(3) *The certification described in this paragraph for*
15 *an intelligence community business system modernization*
16 *is a certification, made by the approval authority des-*
17 *ignated by the Director under subsection (c)(2) to the Intel-*
18 *ligence Community Business Systems Management Com-*
19 *mittee, that the intelligence community business system*
20 *modernization—*

21 “(A) *complies with the enterprise architecture*
22 *under subsection (b); or*

23 “(B) *is necessary—*

1 “(i) to achieve a critical national security
2 capability or address a critical requirement in
3 an area such as safety or security; or

4 “(ii) to prevent a significant adverse effect
5 on a project that is needed to achieve an essen-
6 tial capability, taking into consideration the al-
7 ternative solutions for preventing such adverse
8 effect.

9 “(4) The obligation of funds for an intelligence com-
10 munity business system modernization that does not comply
11 with the requirements of this subsection shall be treated as
12 a violation of section 1341(a)(1)(A) of title 31, United
13 States Code.

14 “(b) *ENTERPRISE ARCHITECTURE FOR INTELLIGENCE*
15 *COMMUNITY BUSINESS SYSTEMS.*—(1) The Director of Na-
16 tional Intelligence shall, acting through the Intelligence
17 Community Business Systems Management Committee es-
18 tablished under subsection (f), develop and implement an
19 enterprise architecture to cover all intelligence community
20 business systems, and the functions and activities supported
21 by such business systems. The enterprise architecture shall
22 be sufficiently defined to effectively guide, constrain, and
23 permit implementation of interoperable intelligence com-
24 munity business system solutions, consistent with applica-

1 ble policies and procedures established by the Director of
2 the Office of Management and Budget.

3 “(2) The enterprise architecture under paragraph (1)
4 shall include the following:

5 “(A) An information infrastructure that, at a
6 minimum, will enable the intelligence community
7 to—

8 “(i) comply with all Federal accounting, fi-
9 nancial management, and reporting require-
10 ments;

11 “(ii) routinely produce timely, accurate,
12 and reliable financial information for manage-
13 ment purposes;

14 “(iii) integrate budget, accounting, and pro-
15 gram information and systems; and

16 “(iv) provide for the systematic measure-
17 ment of performance, including the ability to
18 produce timely, relevant, and reliable cost infor-
19 mation.

20 “(B) Policies, procedures, data standards, and
21 system interface requirements that apply uniformly
22 throughout the intelligence community.

23 “(c) RESPONSIBILITIES FOR INTELLIGENCE COMMU-
24 NITY BUSINESS SYSTEM MODERNIZATION.—(1) The Direc-
25 tor of National Intelligence shall be responsible for review,

1 approval, and oversight of the planning, design, acquisi-
2 tion, deployment, operation, and maintenance of an intel-
3 ligence community business system modernization if more
4 than 50 percent of the cost of the intelligence community
5 business system modernization is funded by amounts ap-
6 propriated for the National Intelligence Program.

7 “(2) The Director shall designate 1 or more appro-
8 priate officials of the intelligence community to be respon-
9 sible for making certifications with respect to intelligence
10 community business system modernizations under sub-
11 section (a)(3).

12 “(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM
13 INVESTMENT REVIEW.—(1) The approval authority des-
14 ignated under subsection (c)(2) shall establish and imple-
15 ment, not later than March 31, 2008, an investment review
16 process for the review of the planning, design, acquisition,
17 development, deployment, operation, maintenance, mod-
18 ernization, project cost, benefits, and risks of the intelligence
19 community business systems for which the approval author-
20 ity is responsible.

21 “(2) The investment review process under paragraph
22 (1) shall—

23 “(A) meet the requirements of section 11312 of
24 title 40, United States Code; and

1 “(B) specifically set forth the responsibilities of
2 the approval authority under such review process.

3 “(3) The investment review process under paragraph
4 (1) shall include the following elements:

5 “(A) Review and approval by an investment re-
6 view board (consisting of appropriate representatives
7 of the intelligence community) of each intelligence
8 community business system as an investment before
9 the obligation of funds for such system.

10 “(B) Periodic review, but not less often than an-
11 nually, of every intelligence community business sys-
12 tem investment.

13 “(C) Thresholds for levels of review to ensure ap-
14 propriate review of intelligence community business
15 system investments depending on the scope, com-
16 plexity, and cost of the system involved.

17 “(D) Procedures for making certifications in ac-
18 cordance with the requirements of subsection (a)(3).

19 “(E) Mechanisms to ensure the consistency of the
20 investment review process with applicable guidance
21 issued by the Director of National Intelligence and the
22 Intelligence Community Business Systems Manage-
23 ment Committee established under subsection (f).

24 “(F) Common decision criteria, including stand-
25 ards, requirements, and priorities, for purposes of en-

1 *asuring the integration of intelligence community busi-*
2 *ness systems.*

3 “(e) *BUDGET INFORMATION.—For each fiscal year*
4 *after fiscal year 2009, the Director of National Intelligence*
5 *shall include in the materials the Director submits to Con-*
6 *gress in support of the budget for such fiscal year that is*
7 *submitted to Congress under section 1105 of title 31, United*
8 *States Code, the following information:*

9 “(1) *An identification of each intelligence com-*
10 *munity business system for which funding is proposed*
11 *in such budget.*

12 “(2) *An identification of all funds, by appro-*
13 *priation, proposed in such budget for each such sys-*
14 *tem, including—*

15 “(A) *funds for current services to operate*
16 *and maintain such system; and*

17 “(B) *funds for business systems moderniza-*
18 *tion identified for each specific appropriation.*

19 “(3) *For each such system, identification of ap-*
20 *proval authority designated for such system under*
21 *subsection (c)(2).*

22 “(4) *The certification, if any, made under sub-*
23 *section (a)(3) with respect to each such system.*

24 “(f) *INTELLIGENCE COMMUNITY BUSINESS SYSTEMS*
25 *MANAGEMENT COMMITTEE.—(1) The Director of National*

1 *Intelligence shall establish an Intelligence Community*
2 *Business Systems Management Committee (in this sub-*
3 *section referred to as the ‘Committee’).*

4 “(2) *The Committee shall—*

5 “(A) *recommend to the Director policies and*
6 *procedures necessary to effectively integrate all busi-*
7 *ness activities and any transformation, reform, reor-*
8 *ganization, or process improvement initiatives under-*
9 *taken within the intelligence community;*

10 “(B) *review and approve any major update of—*

11 “(i) *the enterprise architecture developed*
12 *under subsection (b); and*

13 “(ii) *any plans for an intelligence commu-*
14 *nity business systems modernization;*

15 “(C) *manage cross-domain integration consistent*
16 *with such enterprise architecture;*

17 “(D) *be responsible for coordinating initiatives*
18 *for intelligence community business system mod-*
19 *ernization to maximize benefits and minimize costs*
20 *for the intelligence community, and periodically re-*
21 *port to the Director on the status of efforts to carry*
22 *out an intelligence community business system mod-*
23 *ernization;*

1 “(E) ensure that funds are obligated for intel-
2 ligence community business system modernization in
3 a manner consistent with subsection (a); and

4 “(F) carry out such other duties as the Director
5 shall specify.

6 “(g) *RELATION TO ANNUAL REGISTRATION REQUIRE-*
7 *MENTS.—Nothing in this section shall be construed to alter*
8 *the requirements of section 8083 of the Department of De-*
9 *fense Appropriations Act, 2005 (Public Law 108–287; 118*
10 *Stat. 989), with regard to information technology systems*
11 *(as defined in subsection (d) of such section).*

12 “(h) *RELATION TO DEFENSE BUSINESS SYSTEMS AR-*
13 *CHITECTURE, ACCOUNTABILITY, AND MODERNIZATION RE-*
14 *QUIREMENTS.—An intelligence community business system*
15 *that receives more than 50 percent of its funds from*
16 *amounts available for the National Intelligence Program*
17 *shall be exempt from the requirements of section 2222 of*
18 *title 10, United States Code.*

19 “(i) *RELATION TO CLINGER-COHEN ACT.—(1) The Di-*
20 *rector of National Intelligence and the Chief Information*
21 *Officer of the Intelligence Community shall fulfill the execu-*
22 *tive agency responsibilities in chapter 113 of title 40,*
23 *United States Code, for any intelligence community busi-*
24 *ness system that receives more than 50 percent of its fund-*

1 *ing from amounts appropriated for the National Intel-*
2 *ligence Program.*

3 “(2) *Any intelligence community business system cov-*
4 *ered by paragraph (1) shall be exempt from the require-*
5 *ments of such chapter 113 that would otherwise apply to*
6 *the executive agency that contains the element of the intel-*
7 *ligence community involved.*

8 “(j) *REPORTS.—Not later than March 15 of each of*
9 *the years 2009 through 2014, the Director of National Intel-*
10 *ligence shall submit to the congressional intelligence com-*
11 *mittees a report on the compliance of the intelligence com-*
12 *munity with the requirements of this section. Each such re-*
13 *port shall—*

14 “(1) *describe actions taken and proposed for*
15 *meeting the requirements of subsection (a), includ-*
16 *ing—*

17 “(A) *specific milestones and actual perform-*
18 *ance against specified performance measures,*
19 *and any revision of such milestones and per-*
20 *formance measures; and*

21 “(B) *specific actions on the intelligence*
22 *community business system modernizations sub-*
23 *mitted for certification under such subsection;*

1 “(2) identify the number of intelligence commu-
2 nity business system modernizations that received a
3 certification described in subsection (a)(3)(B); and

4 “(3) describe specific improvements in business
5 operations and cost savings resulting from successful
6 intelligence community business systems moderniza-
7 tion efforts.

8 “(k) DEFINITIONS.—In this section:

9 “(1) The term ‘enterprise architecture’ has the
10 meaning given that term in section 3601(4) of title
11 44, United States Code.

12 “(2) The terms ‘information system’ and ‘infor-
13 mation technology’ have the meanings given those
14 terms in section 11101 of title 40, United States Code.

15 “(3) The term ‘intelligence community business
16 system’ means an information system, other than a
17 national security system, that is operated by, for, or
18 on behalf of the intelligence community, including fi-
19 nancial systems, mixed systems, financial data feeder
20 systems, and the business infrastructure capabilities
21 shared by the systems of the business enterprise archi-
22 tecture that build upon the core infrastructure used to
23 support business activities, such as acquisition, finan-
24 cial management, logistics, strategic planning and

1 *budgeting, installations and environment, and human*
2 *resource management.*

3 “(4) *The term ‘intelligence community business*
4 *system modernization’ means—*

5 “(A) *the acquisition or development of a*
6 *new intelligence community business system; or*

7 “(B) *any significant modification or en-*
8 *hancement of an existing intelligence community*
9 *business system (other than necessary to main-*
10 *tain current services).*

11 “(5) *The term ‘national security system’ has the*
12 *meaning given that term in section 3542 of title 44,*
13 *United States Code.”.*

14 (2) *CLERICAL AMENDMENT.—The table of con-*
15 *tents in the first section of that Act, as amended by*
16 *sections 306 and 311 of this Act, is further amended*
17 *by inserting after the item relating to section 506C,*
18 *as added by section 311(b), the following new item:*

“Sec. 506D. Intelligence community business systems, architecture, account-
 ability, and modernization.”.

19 (b) *IMPLEMENTATION.—*

20 (1) *CERTAIN DUTIES.—Not later than 60 days*
21 *after the date of the enactment of this Act, the Direc-*
22 *tor of National Intelligence shall—*

23 (A) *complete the delegation of responsibility*
24 *for the review, approval, and oversight of the*

1 *planning, design, acquisition, deployment, oper-*
2 *ation, maintenance, and modernization of intel-*
3 *ligence community business systems required by*
4 *subsection (c) of section 506D of the National Se-*
5 *curity Act of 1947 (as added by subsection (a));*
6 *and*

7 *(B) designate a vice chairman and per-*
8 *sonnel to serve on the Intelligence Community*
9 *Business System Management Committee estab-*
10 *lished under subsection (f) of such section 506D*
11 *(as so added).*

12 (2) *ENTERPRISE ARCHITECTURE.—*

13 *(A) SCHEDULE FOR DEVELOPMENT.—The*
14 *Director shall develop the enterprise architecture*
15 *required by subsection (b) of such section 506D*
16 *(as so added) by not later than September 1,*
17 *2008.*

18 *(B) REQUIREMENT FOR IMPLEMENTATION*
19 *PLAN.—In developing such enterprise architec-*
20 *ture, the Director shall develop an implementa-*
21 *tion plan for such enterprise architecture that*
22 *includes the following:*

23 *(i) An acquisition strategy for new sys-*
24 *tems that are expected to be needed to com-*
25 *plete such enterprise architecture, including*

1 *specific time-phased milestones, performance*
2 *metrics, and a statement of the financial*
3 *and nonfinancial resource needs.*

4 *(ii) An identification of the intelligence*
5 *community business systems in operation or*
6 *planned as of December 31, 2006, that will*
7 *not be a part of such enterprise architec-*
8 *ture, together with the schedule for the*
9 *phased termination of the utilization of any*
10 *such systems.*

11 *(iii) An identification of the intel-*
12 *ligence community business systems in op-*
13 *eration or planned as of December 31, 2006,*
14 *that will be a part of such enterprise archi-*
15 *itecture, together with a strategy for modi-*
16 *fying such systems to ensure that such sys-*
17 *tems comply with such enterprise architec-*
18 *ture.*

19 (C) *SUBMISSION OF ACQUISITION STRAT-*
20 *EGY.—The Director shall submit the acquisition*
21 *strategy described in subparagraph (B)(i) to the*
22 *congressional intelligence committees not later*
23 *than March 1, 2008.*

1 **SEC. 313. REPORTS ON THE ACQUISITION OF MAJOR SYS-**
2 **TEMS.**

3 (a) *IN GENERAL.*—Title V of the National Security
4 Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections
5 306, 311, and 312 of this Act, is further amended by insert-
6 ing after section 506D, as added by section 312(a)(1), the
7 following new section:

8 “*REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS*

9 “*SEC. 506E. (a) ANNUAL REPORTS REQUIRED.*—(1)
10 *The Director of National Intelligence shall submit to the*
11 *congressional intelligence committees each year, at the same*
12 *time the budget of the President for the fiscal year beginning*
13 *in such year is submitted to Congress pursuant to section*
14 *1105 of title 31, United States Code, a separate report on*
15 *each acquisition of a major system by an element of the*
16 *intelligence community.*

17 “(2) *Each report under this section shall be known as*
18 *a ‘Report on the Acquisition of Major Systems’.*

19 “(b) *ELEMENTS.*—*Each report under this section shall*
20 *include, for the acquisition of a major system, information*
21 *on the following:*

22 “(1) *The current total acquisition cost for such*
23 *system, and the history of such cost from the date the*
24 *system was first included in a report under this sec-*
25 *tion to the end of the calendar quarter immediately*

1 *proceeding the submittal of the report under this sec-*
2 *tion.*

3 “(2) *The current development schedule for the*
4 *system, including an estimate of annual development*
5 *costs until development is completed.*

6 “(3) *The planned procurement schedule for the*
7 *system, including the best estimate of the Director of*
8 *National Intelligence of the annual costs and units to*
9 *be procured until procurement is completed.*

10 “(4) *A full life-cycle cost analysis for such sys-*
11 *tem.*

12 “(5) *The result of any significant test and eval-*
13 *uation of such major system as of the date of the sub-*
14 *mittal of such report, or, if a significant test and*
15 *evaluation has not been conducted, a statement of the*
16 *reasons therefor and the results of any other test and*
17 *evaluation that has been conducted of such system.*

18 “(6) *The reasons for any change in acquisition*
19 *cost, or schedule, for such system from the previous re-*
20 *port under this section, if applicable.*

21 “(7) *The major contracts or subcontracts related*
22 *to the major system.*

23 “(8) *If there is any cost or schedule variance*
24 *under a contract referred to in paragraph (7) since*

1 *the previous report under this section, the reasons for*
2 *such cost or schedule variance.*

3 “(c) *DETERMINATION OF INCREASE IN COSTS.—Any*
4 *determination of a percentage increase in the acquisition*
5 *costs of a major system for which a report is filed under*
6 *this section shall be stated in terms of constant dollars from*
7 *the first fiscal year in which funds are appropriated for*
8 *such contract.*

9 “(d) *DEFINITIONS.—In this section:*

10 “(1) *The term ‘acquisition cost’, with respect to*
11 *a major system, means the amount equal to the total*
12 *cost for development and procurement of, and system-*
13 *specific construction for, such system.*

14 “(2) *The term ‘full life-cycle cost’, with respect to*
15 *the acquisition of a major system, means all costs of*
16 *development, procurement, construction, deployment,*
17 *and operation and support for such program, without*
18 *regard to funding source or management control, in-*
19 *cluding costs of development and procurement re-*
20 *quired to support or utilize such system.*

21 “(3) *The term ‘major contract,’ with respect to*
22 *a major system acquisition, means each of the 6 larg-*
23 *est prime, associate, or government-furnished equip-*
24 *ment contracts under the program that is in excess of*

1 \$40,000,000 and that is not a firm, fixed price con-
2 tract.

3 “(4) The term ‘major system’ has the meaning
4 given that term in section 506A(e).

5 “(5) The term ‘significant test and evaluation’
6 means the functional or environmental testing of a
7 major system or of the subsystems that combine to
8 create a major system.”.

9 (b) **CLERICAL AMENDMENT.**—The table of contents in
10 the first section of that Act, as amended by sections 306,
11 311, and 312 of this Act, is further amended by inserting
12 after the item relating to section 506D, as added by section
13 312(a)(2), the following new item:

 “Sec. 506E. Reports on the acquisition of major systems.”.

14 **SEC. 314. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.**

15 (a) **NOTIFICATION.**—Title V of the National Security
16 Act of 1947, as amended by sections 306, 311, 312, and
17 313 of this Act, is further amended by inserting after section
18 506E, as added by section 313(a), the following new section:

19 “**EXCESSIVE COST GROWTH OF MAJOR SYSTEMS**

20 “**SEC. 506F. (a) COST INCREASES OF AT LEAST 25**
21 **PERCENT.**—(1)(A) On a continuing basis, and separate
22 from the submission of any report on a major system re-
23 quired by section 506E of this Act, the program manager
24 shall determine if the acquisition cost of such major system

1 *has increased by at least 25 percent as compared to the*
2 *baseline cost of such major system.*

3 “(B) *Not later than 10 days after the date that a pro-*
4 *gram manager determines that an increase described in*
5 *subparagraph (A) has occurred, the program manager shall*
6 *submit to the Director of National Intelligence notification*
7 *of such increase.*

8 “(2)(A) *If, after receiving a notification described in*
9 *paragraph (1)(B), the Director of National Intelligence de-*
10 *termines that the acquisition cost of a major system has*
11 *increased by at least 25 percent, the Director shall submit*
12 *to the congressional intelligence committees a written notifi-*
13 *cation of such determination as described in subparagraph*
14 *(B), a description of the amount of the increase in the ac-*
15 *quisition cost of such major system, and a certification as*
16 *described in subparagraph (C).*

17 “(B) *The notification required by subparagraph (A)*
18 *shall include—*

19 “(i) *an updated cost estimate;*

20 “(ii) *the date on which the determination covered*
21 *by such notification was made;*

22 “(iii) *contract performance assessment informa-*
23 *tion with respect to each significant contract or sub-*
24 *contract related to such major system, including the*
25 *name of the contractor, the phase of the contract at*

1 *the time of the report, the percentage of work under*
2 *the contract that has been completed, any change in*
3 *contract cost, the percentage by which the contract is*
4 *currently ahead or behind schedule, and a summary*
5 *explanation of significant occurrences, such as cost*
6 *and schedule variances, and the effect of such occur-*
7 *rences on future costs and schedules;*

8 *“(iv) the prior estimate of the full life-cycle cost*
9 *for such major system, expressed in constant dollars*
10 *and in current year dollars;*

11 *“(v) the current estimated full life-cycle cost of*
12 *such major system, expressed in constant dollars and*
13 *current year dollars;*

14 *“(vi) a statement of the reasons for any increases*
15 *in the full life-cycle cost of such major system;*

16 *“(vii) the current change and the total change,*
17 *in dollars and expressed as a percentage, in the full*
18 *life-cycle cost applicable to such major system, stated*
19 *both in constant dollars and current year dollars;*

20 *“(viii) the completion status of such major sys-*
21 *tem expressed as the percentage—*

22 *“(I) of the total number of years for which*
23 *funds have been appropriated for such major sys-*
24 *tem compared to the number of years for which*

1 *it is planned that such funds will be appro-*
2 *priated; and*

3 *“(II) of the amount of funds that have been*
4 *appropriated for such major system compared to*
5 *the total amount of such funds which it is*
6 *planned will be appropriated;*

7 *“(ix) the action taken and proposed to be taken*
8 *to control future cost growth of such major system;*
9 *and*

10 *“(x) any changes made in the performance or*
11 *schedule of such major system and the extent to which*
12 *such changes have contributed to the increase in full*
13 *life-cycle costs of such major system.*

14 *“(C) The certification described in this subparagraph*
15 *is a written certification made by the Director and sub-*
16 *mitted to the congressional intelligence committees that—*

17 *“(i) the acquisition of such major system is es-*
18 *sential to the national security;*

19 *“(ii) there are no alternatives to such major sys-*
20 *tem that will provide equal or greater intelligence ca-*
21 *pability at equal or lesser cost to completion;*

22 *“(iii) the new estimates of the full life-cycle cost*
23 *for such major system are reasonable; and*

1 “(iv) the management structure for the acquisi-
2 tion of such major system is adequate to manage and
3 control full life-cycle cost of such major system.

4 “(b) COST INCREASES OF AT LEAST 50 PERCENT.—

5 (1)(A) On a continuing basis, and separate from the sub-
6 mission of any report on a major system required by section
7 506E of this Act, the program manager shall determine if
8 the acquisition cost of such major system has increased by
9 at least 50 percent as compared to the baseline cost of such
10 major system.

11 “(B) Not later than 10 days after the date that a pro-
12 gram manager determines that an increase described in
13 subparagraph (A) has occurred, the program manager shall
14 submit to the Director of National Intelligence notification
15 of such increase.

16 “(2) If, after receiving a notification described in
17 paragraph (1)(B), the Director of National Intelligence de-
18 termines that the acquisition cost of a major system has
19 increased by at least 50 percent as compared to the baseline
20 cost of such major system, the Director shall submit to the
21 congressional intelligence committees a written certification
22 stating that—

23 “(A) the acquisition of such major system is es-
24 sential to the national security;

1 “(B) *there are no alternatives to such major sys-*
2 *tem that will provide equal or greater intelligence ca-*
3 *patibility at equal or lesser cost to completion;*

4 “(C) *the new estimates of the full life-cycle cost*
5 *for such major system are reasonable; and*

6 “(D) *the management structure for the acquisi-*
7 *tion of such major system is adequate to manage and*
8 *control the full life-cycle cost of such major system.*

9 “(3) *In addition to the certification required by para-*
10 *graph (2), the Director of National Intelligence shall submit*
11 *to the congressional intelligence committees an updated no-*
12 *tification, with current accompanying information, as re-*
13 *quired by subsection (a)(2).*

14 “(c) *PROHIBITION ON OBLIGATION OF FUNDS.—(1) If*
15 *a written certification required under subsection (a)(2)(A)*
16 *is not submitted to the congressional intelligence committees*
17 *within 60 days of the determination made under subsection*
18 *(a)(1), funds appropriated for the acquisition of a major*
19 *system may not be obligated for a major contract under*
20 *the program. Such prohibition on the obligation of funds*
21 *shall cease to apply at the end of the 30-day period of a*
22 *continuous session of Congress that begins on the date on*
23 *which Congress receives the notification required under sub-*
24 *section (a)(2)(A).*

1 “(2) *If a written certification required under sub-*
2 *section (b)(2) is not submitted to the congressional intel-*
3 *ligence committees within 60 days of the determination*
4 *made under subsection (b)(2), funds appropriated for the*
5 *acquisition of a major system may not be obligated for a*
6 *major contract under the program. Such prohibition on the*
7 *obligation of funds for the acquisition of a major system*
8 *shall cease to apply at the end of the 30-day period of a*
9 *continuous session of Congress that begins on the date on*
10 *which Congress receives the notification required under sub-*
11 *section (b)(3).*

12 “(d) *DEFINITIONS.—In this section:*

13 “(1) *The term ‘acquisition cost’ has the meaning*
14 *given that term in section 506E(d).*

15 “(2) *The term ‘baseline cost’, with respect to a*
16 *major system, means the projected acquisition cost of*
17 *such system that is approved by the Director of Na-*
18 *tional Intelligence at Milestone B or an equivalent ac-*
19 *quisition decision for the development, procurement,*
20 *and construction of such system. The baseline cost*
21 *may be in the form of an independent cost estimate.*

22 “(3) *The term ‘full life-cycle cost’ has the mean-*
23 *ing given that term in section 506E(d).*

24 “(4) *The term ‘independent cost estimate’ has the*
25 *meaning given that term in section 506A(e).*

1 “(5) *The term ‘major system’ has the meaning*
2 *given that term in section 506A(e).*

3 “(6) *The term ‘Milestone B’ means a decision to*
4 *enter into system development and demonstration*
5 *pursuant to guidance prescribed by the Director of*
6 *National Intelligence.*

7 “(7) *The term ‘program manager’, with respect*
8 *to a major system, means—*

9 “(A) *the head of the element of the intel-*
10 *ligence community which is responsible for the*
11 *budget, cost, schedule, and performance of the*
12 *major system; or*

13 “(B) *in the case of a major system within*
14 *the Office of the Director of National Intel-*
15 *ligence, the deputy who is responsible for the*
16 *budget, cost, schedule, and performance of the*
17 *major system.”.*

18 (b) *CLERICAL AMENDMENT.—The table of contents in*
19 *the first section of that Act, as amended by sections 304,*
20 *311, 312, and 313 of this Act, is further amended by insert-*
21 *ing after the items relating to section 506E, as added by*
22 *section 313(b), the following new item:*

 “Sec. 506F. *Excessive cost growth of major systems.*”.

1 **Subtitle C—Other Matters**

2 **SEC. 321. RESTRICTION ON CONDUCT OF INTELLIGENCE**
3 **ACTIVITIES.**

4 *The authorization of appropriations by this Act shall*
5 *not be deemed to constitute authority for the conduct of any*
6 *intelligence activity which is not otherwise authorized by*
7 *the Constitution or the laws of the United States.*

8 **SEC. 322. CLARIFICATION OF DEFINITION OF INTEL-**
9 **LIGENCE COMMUNITY UNDER THE NATIONAL**
10 **SECURITY ACT OF 1947.**

11 *Subparagraph (L) of section 3(4) of the National Secu-*
12 *rity Act of 1947 (50 U.S.C. 401a(4)) is amended by striking*
13 *“other” the second place it appears.*

14 **SEC. 323. MODIFICATION OF AVAILABILITY OF FUNDS FOR**
15 **DIFFERENT INTELLIGENCE ACTIVITIES.**

16 *Subparagraph (B) of section 504(a)(3) of the National*
17 *Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to*
18 *read as follows:*

19 *“(B) the use of such funds for such activity sup-*
20 *ports an emergent need, improves program effective-*
21 *ness, or increases efficiency; and”.*

22 **SEC. 324. PROTECTION OF CERTAIN NATIONAL SECURITY**
23 **INFORMATION.**

24 *(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UN-*
25 *DERCOVER INTELLIGENCE OFFICERS AND AGENTS.—*

1 (1) *DISCLOSURE OF AGENT AFTER ACCESS TO*
 2 *INFORMATION IDENTIFYING AGENT.*—*Subsection (a) of*
 3 *section 601 of the National Security Act of 1947 (50*
 4 *U.S.C. 421) is amended by striking “ten years” and*
 5 *inserting “15 years”.*

6 (2) *DISCLOSURE OF AGENT AFTER ACCESS TO*
 7 *CLASSIFIED INFORMATION.*—*Subsection (b) of such*
 8 *section is amended by striking “five years” and in-*
 9 *serting “10 years”.*

10 (b) *MODIFICATIONS TO ANNUAL REPORT ON PROTEC-*
 11 *TION OF INTELLIGENCE IDENTITIES.*—*The first sentence of*
 12 *section 603(a) of the National Security Act of 1947 (50*
 13 *U.S.C. 423(a)) is amended by inserting “including an as-*
 14 *essment of the need for any modification of this title for*
 15 *the purpose of improving legal protections for covert*
 16 *agents,” after “measures to protect the identities of covert*
 17 *agents,”.*

18 **SEC. 325. EXTENSION OF AUTHORITY TO DELETE INFORMA-**
 19 **TION ABOUT RECEIPT AND DISPOSITION OF**
 20 **FOREIGN GIFTS AND DECORATIONS.**

21 *Paragraph (4) of section 7342(f) of title 5, United*
 22 *States Code, is amended to read as follows:*

23 “(4)(A) *In transmitting such listings for an element*
 24 *of the intelligence community, the head of such element may*
 25 *delete the information described in subparagraph (A) or (C)*

1 of paragraph (2) or in subparagraph (A) or (C) of para-
2 graph (3) if the head of such element certifies in writing
3 to the Secretary of State that the publication of such infor-
4 mation could adversely affect United States intelligence
5 sources or methods.

6 “(B) Any information not provided to the Secretary
7 of State pursuant to the authority in subparagraph (A)
8 shall be transmitted to the Director of National Intelligence
9 who shall keep a record of such information.

10 “(C) In this paragraph, the term ‘element of the intel-
11 ligence community’ means an element of the intelligence
12 community listed in or designated under section 3(4) of the
13 National Security Act of 1947 (50 U.S.C. 401a(4)).”.

14 **SEC. 326. REPORT ON COMPLIANCE WITH THE DETAINEE**
15 **TREATMENT ACT OF 2005 AND RELATED PRO-**
16 **VISIONS OF THE MILITARY COMMISSIONS**
17 **ACT OF 2006.**

18 (a) *REPORT REQUIRED.*—Not later than 45 days after
19 the date of the enactment of this Act, the Director of Na-
20 tional Intelligence shall submit to the congressional intel-
21 ligence committees a comprehensive report on all measures
22 taken by the Office of the Director of National Intelligence
23 and by each element, if any, of the intelligence community
24 with relevant responsibilities to comply with the provisions
25 of the Detainee Treatment Act of 2005 (title X of division

1 *A of Public Law 109–148; 119 Stat. 2739) and related pro-*
2 *visions of the Military Commissions Act of 2006 (Public*
3 *Law 109–366; 120 Stat. 2600).*

4 *(b) ELEMENTS.—The report required by subsection (a)*
5 *shall include the following:*

6 *(1) A description of the detention or interroga-*
7 *tion methods, if any, that have been determined to*
8 *comply with section 1003 of the Detainee Treatment*
9 *Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd) and*
10 *section 6 of the Military Commissions Act of 2006*
11 *(120 Stat. 2632; 18 U.S.C. 2441 note) (including the*
12 *amendments made by such section 6), and, with re-*
13 *spect to each such method—*

14 *(A) an identification of the official making*
15 *such determination; and*

16 *(B) a statement of the basis for such deter-*
17 *mination.*

18 *(2) A description of the detention or interroga-*
19 *tion methods, if any, whose use has been discontinued*
20 *pursuant to the Detainee Treatment Act of 2005 or*
21 *the Military Commission Act of 2006, and, with re-*
22 *spect to each such method—*

23 *(A) an identification of the official making*
24 *the determination to discontinue such method;*
25 *and*

1 (B) a statement of the basis for such deter-
2 mination.

3 (3) A description of any actions that have been
4 taken to implement section 1004 of the Detainee
5 Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C.
6 2000dd-1), and, with respect to each such action—

7 (A) an identification of the official taking
8 such action; and

9 (B) a statement of the basis for such action.

10 (4) Any other matters that the Director considers
11 necessary to fully and currently inform the congres-
12 sional intelligence committees about the implementa-
13 tion of the Detainee Treatment Act of 2005 and re-
14 lated provisions of the Military Commissions Act of
15 2006.

16 (5) An appendix containing—

17 (A) all guidelines for the application of the
18 Detainee Treatment Act of 2005 and related pro-
19 visions of the Military Commissions Act of 2006
20 to the detention or interrogation activities, if
21 any, of any element of the intelligence commu-
22 nity; and

23 (B) the legal justifications of any office of
24 the Department of Justice about the meaning or
25 application of the Detainee Treatment Act of

1 *2005 or related provisions of the Military Com-*
2 *missions Act of 2006 with respect to the deten-*
3 *tion or interrogation activities, if any, of any*
4 *element of the intelligence community.*

5 *(c) FORM.—The report required by subsection (a) shall*
6 *be submitted in classified form.*

7 *(d) SUBMISSION TO THE CONGRESSIONAL ARMED*
8 *SERVICES COMMITTEES.—To the extent that the report re-*
9 *quired by subsection (a) addresses an element of the intel-*
10 *ligence community within the Department of Defense, that*
11 *portion of the report, and any associated material that is*
12 *necessary to make that portion understandable, shall also*
13 *be submitted by the Director of National Intelligence to the*
14 *congressional armed services committees.*

15 *(e) CONGRESSIONAL ARMED SERVICES COMMITTEE*
16 *DEFINED.—In this section, the term “congressional armed*
17 *services committees” means—*

18 *(1) the Committee on Armed Services of the Sen-*
19 *ate; and*

20 *(2) the Committee on Armed Services of the*
21 *House of Representatives.*

22 **SEC. 327. LIMITATION ON INTERROGATION TECHNIQUES.**

23 *(a) LIMITATION.—No individual in the custody or*
24 *under the effective control of an element of the intelligence*
25 *community or instrumentality thereof, regardless of nation-*

1 *ality or physical location, shall be subject to any treatment*
2 *or technique of interrogation not authorized by the United*
3 *States Army Field Manual on Human Intelligence Collector*
4 *Operations.*

5 (b) *INSTRUMENTALITY DEFINED.—In this section, the*
6 *term “instrumentality”, with respect to an element of the*
7 *intelligence community, means a contractor or subcon-*
8 *tractor at any tier of the element of the intelligence commu-*
9 *nity.*

10 **SEC. 328. LIMITATION ON USE OF FUNDS.**

11 *Not more than 30 percent of the funds authorized to*
12 *be appropriated for the Expenditure Center referred to on*
13 *page 157 of Volume VI, Book 1 of the Fiscal Year 2008*
14 *- Fiscal Year 2009 Congressional Budget Justification, Na-*
15 *tional Intelligence Program, may be obligated or expended*
16 *until each member of the congressional intelligence commit-*
17 *tees has been fully and currently informed with respect to*
18 *intelligence regarding a facility in Syria subject to reported*
19 *military action by the State of Israel on September 6, 2007,*
20 *including intelligence relating to any agent or citizen of*
21 *North Korea, Iran, or any other foreign country present at*
22 *the facility, and any intelligence provided to the Federal*
23 *Government by a foreign country regarding the facility (as*
24 *available).*

1 **SEC. 329. INCORPORATION OF REPORTING REQUIREMENTS.**

2 *Each requirement to submit a report to the congres-*
3 *sional intelligence committees that is included in the classi-*
4 *fied annex to this Act is hereby incorporated into this Act*
5 *and is hereby made a requirement in law.*

6 **SEC. 330. REPEAL OF CERTAIN REPORTING REQUIRE-**
7 **MENTS.**

8 *(a) ANNUAL REPORT ON INTELLIGENCE.—*

9 *(1) REPEAL.—Section 109 of the National Secu-*
10 *rity Act of 1947 (50 U.S.C. 404d) is repealed.*

11 *(2) CLERICAL AMENDMENT.—The table of con-*
12 *tents in the first section of the National Security Act*
13 *of 1947 is amended by striking the item relating to*
14 *section 109.*

15 *(b) ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE*
16 *SHARING WITH THE UNITED NATIONS.—Section 112 of the*
17 *National Security Act of 1947 (50 U.S.C. 404g) is amend-*
18 *ed—*

19 *(1) by striking subsection (b); and*

20 *(2) by redesignating subsections (c), (d), and (e)*
21 *as subsections (b), (c), and (d), respectively.*

22 *(c) ANNUAL CERTIFICATION ON COUNTERINTEL-*
23 *LIGENCE INITIATIVES.—Section 1102(b) of the National Se-*
24 *curity Act of 1947 (50 U.S.C. 442a(b)) is amended—*

25 *(1) by striking “(1)”; and*

26 *(2) by striking paragraph (2).*

1 (d) *REPORT AND CERTIFICATION UNDER TERRORIST*
2 *IDENTIFICATION CLASSIFICATION SYSTEM.*—Section 343 of
3 *the Intelligence Authorization Act for Fiscal Year 2003 (50*
4 *U.S.C. 404n–2) is amended—*

5 (1) *by striking subsection (d); and*

6 (2) *by redesignating subsections (e), (f), (g), and*
7 *(h) as subsections (d), (e), (f), and (g), respectively.*

8 (e) *ANNUAL REPORT ON COUNTERDRUG INTEL-*
9 *LIGENCE MATTERS.*—Section 826 of the *Intelligence Au-*
10 *thorization Act for Fiscal Year 2003 (Public Law 107–306;*
11 *116 Stat. 2429; 21 U.S.C. 873 note) is repealed.*

12 (f) *CONFORMING AMENDMENTS.*—Section 507(a) of the
13 *National Security Act of 1947 (50 U.S.C. 415b(a)) is*
14 *amended—*

15 (1) *in paragraph (1)—*

16 (A) *by striking subparagraphs (A) and (B);*

17 *and*

18 (B) *by redesignating subparagraphs (C)*
19 *through (N) as subparagraphs (A) through (L),*
20 *respectively; and*

21 (2) *in paragraph (2), by striking subparagraph*

22 *(D).*

1 **TITLE IV—MATTERS RELATING**
2 **TO ELEMENTS OF THE INTEL-**
3 **LIGENCE COMMUNITY**

4 **Subtitle A—Office of the Director of**
5 **National Intelligence**

6 **SEC. 401. CLARIFICATION OF LIMITATION ON COLOCATION**
7 **OF THE OFFICE OF THE DIRECTOR OF NA-**
8 **TIONAL INTELLIGENCE.**

9 *Section 103(e) of the National Security Act of 1947*
10 *(50 U.S.C. 403–3(e)) is amended—*

11 *(1) by striking “WITH” and inserting “OF*
12 *HEADQUARTERS WITH HEADQUARTERS OF”;*

13 *(2) by inserting “the headquarters of” before “the*
14 *Office”;* and

15 *(3) by striking “any other element” and insert-*
16 *ing “the headquarters of any other element”.*

17 **SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL**
18 **INTELLIGENCE ON THE TRANSPORTATION**
19 **SECURITY OVERSIGHT BOARD.**

20 *Subparagraph (F) of section 115(b)(1) of title 49,*
21 *United States Code, is amended to read as follows:*

22 *“(F) The Director of National Intelligence,*
23 *or the Director’s designee.”.*

1 **SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF**
2 **SCIENCE AND TECHNOLOGY.**

3 *Section 103E of the National Security Act of 1947 (50*
4 *U.S.C. 403–3e) is amended—*

5 *(1) in subsection (c)—*

6 *(A) by redesignating paragraph (5) as*
7 *paragraph (7);*

8 *(B) in paragraph (4), by striking “and” at*
9 *the end; and*

10 *(C) by inserting after paragraph (4) the fol-*
11 *lowing:*

12 *“(5) assist the Director in establishing goals for*
13 *basic, applied, and advanced research to meet the*
14 *technology needs of the intelligence community and to*
15 *be executed by elements of the intelligence community*
16 *by—*

17 *“(A) systematically identifying, assessing,*
18 *and prioritizing the most significant intelligence*
19 *challenges that require technical solutions; and*

20 *“(B) examining options to enhance the re-*
21 *sponsiveness of research programs;*

22 *“(6) submit to Congress an annual report on the*
23 *science and technology strategy of the Director; and”;*
24 *and*

25 *(2) in paragraph (3) of subsection (d)—*

1 (A) by redesignating subparagraphs (A)
2 and (B) as subparagraphs (B) and (C), respec-
3 tively;

4 (B) in subparagraph (B), as so redesign-
5 ated, by inserting “and prioritize” after “co-
6 ordinate”; and

7 (C) by inserting before subparagraph (B),
8 as so redesignated, the following new subpara-
9 graph:

10 “(A) identify basic, advanced, and applied
11 research programs to be executed by elements of
12 the intelligence community;”.

13 **SEC. 404. LEADERSHIP AND LOCATION OF CERTAIN OF-**
14 **FICES AND OFFICIALS.**

15 (a) NATIONAL COUNTER PROLIFERATION CENTER.—
16 Section 119A(a) of the National Security Act of 1947 (50
17 U.S.C. 4040–1(a)) is amended—

18 (1) by striking “(a) ESTABLISHMENT.—Not later
19 than 18 months after the date of the enactment of the
20 National Security Intelligence Reform Act of 2004,
21 the” and inserting the following:

22 “(a) IN GENERAL.—

23 “(1) ESTABLISHMENT.—The”; and

24 (2) by adding at the end the following new para-
25 graphs:

1 “(2) *DIRECTOR.*—*The head of the National*
2 *Counter Proliferation Center shall be the Director of*
3 *the National Counter Proliferation Center, who shall*
4 *be appointed by the Director of National Intelligence.*

5 “(3) *LOCATION.*—*The National Counter Pro-*
6 *liferation Center shall be located within the Office of*
7 *the Director of National Intelligence.”.*

8 “(b) *OFFICERS.*—*Section 103(c) of that Act (50 U.S.C.*
9 *403–3(c)) is amended—*

10 (1) *by redesignating paragraph (9) as para-*
11 *graph (13); and*

12 (2) *by inserting after paragraph (8) the fol-*
13 *lowing new paragraphs:*

14 “(9) *The Chief Information Officer of the Intel-*
15 *ligence Community.*

16 “(10) *The Inspector General of the Intelligence*
17 *Community.*

18 “(11) *The Director of the National*
19 *Counterterrorism Center.*

20 “(12) *The Director of the National Counter Pro-*
21 *liferation Center.”.*

1 **SEC. 405. PLAN TO IMPLEMENT RECOMMENDATIONS OF**
2 **THE DATA CENTER ENERGY EFFICIENCY RE-**
3 **PORTS.**

4 (a) *PLAN.*—*The Director of National Intelligence shall*
5 *develop a plan to implement the recommendations of the*
6 *report submitted to Congress under section 1 of the Act enti-*
7 *tled “An Act to study and promote the use of energy effi-*
8 *cient computer servers in the United States” (Public Law*
9 *109–431; 120 Stat. 2920) across the intelligence commu-*
10 *nity.*

11 (b) *REPORT.*—

12 (1) *IN GENERAL.*—*Not later than February 1,*
13 *2008, the Director of National Intelligence shall sub-*
14 *mit to the congressional intelligence committees a re-*
15 *port containing the plan developed under subsection*
16 *(a).*

17 (2) *FORM.*—*The report under paragraph (1)*
18 *shall be submitted in unclassified form, but may con-*
19 *tain a classified annex.*

20 **SEC. 406. COMPREHENSIVE LISTING OF SPECIAL ACCESS**
21 **PROGRAMS.**

22 *Not later than February 1, 2008, the Director of Na-*
23 *tional Intelligence shall submit to the congressional intel-*
24 *ligence committees a classified comprehensive listing of all*
25 *special access programs under the National Intelligence*
26 *Program (as defined in section 3(6) of the National Secu-*

1 rity Act of 1947 (50 U.S.C. 401a(6))). Such listing may
2 be submitted in a form or forms consistent with the protec-
3 tion of national security.

4 **SEC. 407. REPORTS ON THE NUCLEAR PROGRAMS OF IRAN**
5 **AND NORTH KOREA.**

6 (a) *REQUIREMENT FOR REPORTS.*—Not less frequently
7 than once during fiscal year 2008 and twice during fiscal
8 year 2009, the Director of National Intelligence shall sub-
9 mit to the congressional intelligence committees a report on
10 the intentions and capabilities of the Islamic Republic of
11 Iran and the Democratic People’s Republic of Korea, with
12 regard to the nuclear programs of each such country.

13 (b) *CONTENT.*—Each report submitted by subsection
14 (a) shall include, with respect of the Islamic Republic of
15 Iran and the Democratic People’s Republic of Korea—

16 (1) *an assessment of nuclear weapons programs*
17 *of each such country;*

18 (2) *an evaluation, consistent with existing re-*
19 *porting standards and practices, of the sources upon*
20 *which the intelligence used to prepare the assessment*
21 *described in paragraph (1) is based, including the*
22 *number of such sources and an assessment of the reli-*
23 *ability of each such source;*

24 (3) *a summary of any intelligence related to any*
25 *such program gathered or developed since the previous*

1 *report was submitted under subsection (a), including*
2 *intelligence collected from both open and clandestine*
3 *sources for each such country; and*

4 (4) *a discussion of any dissents, caveats, gaps in*
5 *knowledge, or other information that would reduce*
6 *confidence in the assessment described in paragraph*
7 *(1).*

8 (c) *NATIONAL INTELLIGENCE ESTIMATE.*—*The Direc-*
9 *tor of National Intelligence may submit a National Intel-*
10 *ligence Estimate on the intentions and capabilities of the*
11 *Islamic Republic of Iran and the Democratic People’s Re-*
12 *public of Korea in lieu of a report required by subsection*
13 *(a).*

14 (d) *FORM.*—*Each report submitted under subsection*
15 *(a) may be submitted in classified form.*

16 **SEC. 408. REQUIREMENTS FOR ACCOUNTABILITY REVIEWS**
17 **BY THE DIRECTOR OF NATIONAL INTEL-**
18 **LIGENCE.**

19 (a) *RESPONSIBILITY OF THE DIRECTOR OF NATIONAL*
20 *INTELLIGENCE.*—*Subsection (b) of section 102 of the Na-*
21 *tional Security Act of 1947 (50 U.S.C. 403) is amended—*

22 (1) *in paragraph (2), by striking “and” at the*
23 *end;*

24 (2) *in paragraph (3)—*

1 (A) by striking “2004,” and inserting
2 “2004 (50 U.S.C. 403 note),”; and

3 (B) by striking the period at the end and
4 inserting a semicolon and “and”; and

5 (3) by inserting after paragraph (3), the fol-
6 lowing new paragraph:

7 “(4) conduct accountability reviews of elements
8 of the intelligence community and the personnel of
9 such elements, if appropriate.”.

10 (b) *TASKING AND OTHER AUTHORITIES.*—Subsection
11 (f) of section 102A of such Act (50 U.S.C. 403–1) is amend-
12 ed—

13 (1) by redesignating paragraphs (7) and (8), as
14 paragraphs (8) and (9), respectively; and

15 (2) by inserting after paragraph (6), the fol-
16 lowing new paragraph:

17 “(7)(A) The Director of National Intelligence shall, if
18 the Director determines it is necessary, or may, if requested
19 by a congressional intelligence committee, conduct account-
20 ability reviews of elements of the intelligence community
21 or the personnel of such elements in relation to significant
22 failures or deficiencies within the intelligence community.

23 “(B) The Director of National Intelligence, in con-
24 sultation with the Attorney General, shall establish guide-

1 *lines and procedures for conducting accountability reviews*
2 *under subparagraph (A).*

3 “(C) *The requirements of this paragraph shall not*
4 *limit any authority of the Director of National Intelligence*
5 *under subsection (m) or with respect to supervision of the*
6 *Central Intelligence Agency.*”.

7 **SEC. 409. MODIFICATION OF LIMITATION ON DELEGATION**
8 **BY THE DIRECTOR OF NATIONAL INTEL-**
9 **LIGENCE OF THE PROTECTION OF INTEL-**
10 **LIGENCE SOURCES AND METHODS.**

11 *Section 102A(i)(3) of the National Security Act of*
12 *1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting be-*
13 *fore the period the following: “or the Chief Information Offi-*
14 *cer of the Intelligence Community”.*

15 **SEC. 410. AUTHORITIES FOR INTELLIGENCE INFORMATION**
16 **SHARING.**

17 (a) **AUTHORITIES FOR INTERAGENCY FUNDING.**—*Sec-*
18 *tion 102A(g)(1) of the National Security Act of 1947 (50*
19 *U.S.C. 403–1(g)(1)) is amended—*

20 (1) *in subparagraph (E), by striking “and” at*
21 *the end;*

22 (2) *in subparagraph (F), by striking the period*
23 *and inserting a semicolon; and*

24 (3) *by adding at the end the following new sub-*
25 *paragraphs:*

1 “(G) in carrying out this subsection, without re-
2 gard to any other provision of law (other than this
3 Act and the National Security Intelligence Reform
4 Act of 2004 (title I of Public Law 108–458; 118 Stat.
5 3643)), expend funds and make funds available to
6 other departments or agencies of the United States
7 for, and direct the development and fielding of, sys-
8 tems of common concern related to the collection,
9 processing, analysis, exploitation, and dissemination
10 of intelligence information; and

11 “(H) for purposes of addressing critical gaps in
12 intelligence information sharing or access capabili-
13 ties, have the authority to transfer funds appropriated
14 for a program within the National Intelligence Pro-
15 gram to a program funded by appropriations not
16 within the National Intelligence Program, consistent
17 with paragraphs (3) through (7) of subsection (d).”.

18 (b) *AUTHORITIES OF HEADS OF OTHER DEPART-*
19 *MENTS AND AGENCIES.*—Notwithstanding any other provi-
20 sion of law, the head of any department or agency of the
21 United States is authorized to receive and utilize funds
22 made available to the department or agency by the Director
23 of National Intelligence pursuant to section 102A(g)(1) of
24 the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)),
25 as amended by subsection (a), and receive and utilize any

1 *system referred to in such section that is made available*
2 *to the department or agency.*

3 (c) *REPORTS.—*

4 (1) *REQUIREMENT FOR REPORTS.—Not later*
5 *than February 1 of each of the fiscal years 2009*
6 *through 2012, the Director of National Intelligence*
7 *shall submit to the congressional intelligence commit-*
8 *tees a report detailing the distribution of funds and*
9 *systems during the preceding fiscal year pursuant to*
10 *subparagraph (G) or (H) of section 102A(g)(1) of the*
11 *National Security Act of 1947 (50 U.S.C. 403–*
12 *1(g)(1)), as added by subsection (a).*

13 (2) *CONTENT.—Each such report shall include—*

14 (A) *a listing of the agencies or departments*
15 *to which such funds or systems were distributed;*

16 (B) *a description of the purpose for which*
17 *such funds or systems were distributed; and*

18 (C) *a description of the expenditure of such*
19 *funds, and the development, fielding, and use of*
20 *such systems by the receiving agency or depart-*
21 *ment.*

22 **SEC. 411. AUTHORITIES OF THE DIRECTOR OF NATIONAL**
23 **INTELLIGENCE FOR INTERAGENCY FUNDING.**

24 (a) *IN GENERAL.—Section 102A of the National Secu-*
25 *rity Act of 1947 (50 U.S.C. 403–1), as amended by sections*

1 303 and 304 of this Act, is further amended by adding at
2 the end the following new subsection:

3 “(u) *AUTHORITIES FOR INTERAGENCY FUNDING.*—(1)
4 *Notwithstanding section 1346 of title 31, United States*
5 *Code, or any other provision of law prohibiting the inter-*
6 *agency financing of activities described in subparagraph*
7 *(A) or (B), upon the request of the Director of National*
8 *Intelligence, any element of the intelligence community may*
9 *use appropriated funds to support or participate in the*
10 *interagency activities of the following:*

11 “(A) *National intelligence centers established by*
12 *the Director under section 119B.*

13 “(B) *Boards, commissions, councils, committees,*
14 *and similar groups that are established—*

15 “(i) *for a term of not more than 2 years;*

16 *and*

17 “(ii) *by the Director.*

18 “(2) *No provision of law enacted after the date of the*
19 *enactment of the Intelligence Authorization Act for Fiscal*
20 *Year 2008 shall be construed to limit or supersede the au-*
21 *thority in paragraph (1) unless such provision makes spe-*
22 *cific reference to the authority in that paragraph.”.*

23 (b) *REPORTS.*—*Not later than February 1 of each of*
24 *the fiscal years 2009 through 2012, the Director of National*
25 *Intelligence shall submit to the congressional intelligence*

1 *committees a report detailing the exercise of any authority*
 2 *pursuant to subsection (u) of section 102A of the National*
 3 *Security Act of 1947 (50 U.S.C. 403–1), as amended by*
 4 *subsection (a), during the preceding fiscal year.*

5 **SEC. 412. TITLE OF CHIEF INFORMATION OFFICER OF THE**
 6 **INTELLIGENCE COMMUNITY.**

7 *Section 103G of the National Security Act of 1947 (50*
 8 *U.S.C. 403–3g) is amended—*

9 *(1) in subsection (a), by inserting “of the Intel-*
 10 *ligence Community” after “Chief Information Offi-*
 11 *cer”;*

12 *(2) in subsection (b), by inserting “of the Intel-*
 13 *ligence Community” after “Chief Information Offi-*
 14 *cer”;*

15 *(3) in subsection (c), by inserting “of the Intel-*
 16 *ligence Community” after “Chief Information Offi-*
 17 *cer”; and*

18 *(4) in subsection (d), by inserting “of the Intel-*
 19 *ligence Community” after “Chief Information Offi-*
 20 *cer” the first place it appears.*

21 **SEC. 413. INSPECTOR GENERAL OF THE INTELLIGENCE**
 22 **COMMUNITY.**

23 *(a) ESTABLISHMENT.—*

24 *(1) IN GENERAL.—Title I of the National Secu-*
 25 *rity Act of 1947 (50 U.S.C. 402 et seq.) is amended*

1 *by inserting after section 103G the following new sec-*
2 *tion:*

3 “INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY
4 “SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF
5 INTELLIGENCE COMMUNITY.—*There is within the Office of*
6 *the Director of National Intelligence an Office of the Inspec-*
7 *tor General of the Intelligence Community.*

8 “(b) PURPOSE.—*The purpose of the Office of the In-*
9 *spector General of the Intelligence Community is to—*

10 “(1) *create an objective and effective office, ap-*
11 *propriately accountable to Congress, to initiate and*
12 *conduct independently investigations, inspections,*
13 *and audits on matters within the responsibility and*
14 *authority of the Director of National Intelligence;*

15 “(2) *recommend policies designed—*

16 “(A) *to promote economy, efficiency, and ef-*
17 *fectiveness in the administration and implemen-*
18 *tation of matters within the responsibility and*
19 *authority of the Director of National Intelligence;*
20 *and*

21 “(B) *to prevent and detect fraud and abuse*
22 *in such matters;*

23 “(3) *provide a means for keeping the Director of*
24 *National Intelligence fully and currently informed*
25 *about—*

1 “(A) *problems and deficiencies relating to*
2 *matters within the responsibility and authority*
3 *of the Director of National Intelligence; and*

4 “(B) *the necessity for, and the progress of,*
5 *corrective actions; and*

6 “(4) *in the manner prescribed by this section,*
7 *ensure that the congressional intelligence committees*
8 *are kept similarly informed of—*

9 “(A) *significant problems and deficiencies*
10 *relating to matters within the responsibility and*
11 *authority of the Director of National Intelligence;*
12 *and*

13 “(B) *the necessity for, and the progress of,*
14 *corrective actions.*

15 “(c) *INSPECTOR GENERAL OF INTELLIGENCE COMMU-*
16 *NITY.—(1) There is an Inspector General of the Intelligence*
17 *Community, who shall be the head of the Office of the In-*
18 *spector General of the Intelligence Community, who shall*
19 *be appointed by the President, by and with the advice and*
20 *consent of the Senate.*

21 “(2) *The nomination of an individual for appointment*
22 *as Inspector General shall be made—*

23 “(A) *without regard to political affiliation;*

24 “(B) *solely on the basis of integrity, compliance*
25 *with the security standards of the intelligence commu-*

1 *nity, and prior experience in the field of intelligence*
2 *or national security; and*

3 *“(C) on the basis of demonstrated ability in ac-*
4 *counting, financial analysis, law, management anal-*
5 *ysis, public administration, or auditing.*

6 *“(3) The Inspector General shall report directly to and*
7 *be under the general supervision of the Director of National*
8 *Intelligence.*

9 *“(4) The Inspector General may be removed from office*
10 *only by the President. The President shall immediately*
11 *communicate in writing to the congressional intelligence*
12 *committees the reasons for the removal of any individual*
13 *from the position of Inspector General.*

14 *“(d) DUTIES AND RESPONSIBILITIES.—Subject to sub-*
15 *sections (g) and (h), it shall be the duty and responsibility*
16 *of the Inspector General of the Intelligence Community—*

17 *“(1) to provide policy direction for, and to plan,*
18 *conduct, supervise, and coordinate independently, the*
19 *investigations, inspections, and audits relating to*
20 *matters within the responsibility and authority of the*
21 *Director of National Intelligence to ensure they are*
22 *conducted efficiently and in accordance with applica-*
23 *ble law and regulations;*

24 *“(2) to keep the Director of National Intelligence*
25 *fully and currently informed concerning violations of*

1 *law and regulations, violations of civil liberties and*
2 *privacy, fraud and other serious problems, abuses,*
3 *and deficiencies that may occur in matters within the*
4 *responsibility and authority of the Director, and to*
5 *report the progress made in implementing corrective*
6 *action;*

7 “(3) *to take due regard for the protection of in-*
8 *telligence sources and methods in the preparation of*
9 *all reports issued by the Inspector General, and, to*
10 *the extent consistent with the purpose and objective of*
11 *such reports, take such measures as may be appro-*
12 *priate to minimize the disclosure of intelligence*
13 *sources and methods described in such reports; and*

14 “(4) *in the execution of the duties and respon-*
15 *sibilities under this section, to comply with generally*
16 *accepted government auditing standards.*

17 “(e) *LIMITATIONS ON ACTIVITIES.—(1) The Director*
18 *of National Intelligence may prohibit the Inspector General*
19 *of the Intelligence Community from initiating, carrying*
20 *out, or completing any investigation, inspection, or audit*
21 *if the Director determines that such prohibition is necessary*
22 *to protect vital national security interests of the United*
23 *States.*

24 “(2) *If the Director exercises the authority under para-*
25 *graph (1), the Director shall submit an appropriately clas-*

1 *sified statement of the reasons for the exercise of such au-*
2 *thority within 7 days to the congressional intelligence com-*
3 *mittees.*

4 “(3) *The Director shall advise the Inspector General*
5 *at the time a report under paragraph (2) is submitted, and,*
6 *to the extent consistent with the protection of intelligence*
7 *sources and methods, provide the Inspector General with a*
8 *copy of such report.*

9 “(4) *The Inspector General may submit to the congres-*
10 *sional intelligence committees any comments on a report*
11 *of which the Inspector General has notice under paragraph*
12 *(3) that the Inspector General considers appropriate.*

13 “(f) *AUTHORITIES.—(1) The Inspector General of the*
14 *Intelligence Community shall have direct and prompt ac-*
15 *cess to the Director of National Intelligence when necessary*
16 *for any purpose pertaining to the performance of the duties*
17 *of the Inspector General.*

18 “(2)(A) *The Inspector General shall have access to any*
19 *employee, or any employee of a contractor, of any element*
20 *of the intelligence community whose testimony is needed for*
21 *the performance of the duties of the Inspector General.*

22 “(B) *The Inspector General shall have direct access to*
23 *all records, reports, audits, reviews, documents, papers, rec-*
24 *ommendations, or other material which relate to the pro-*

1 *grams and operations with respect to which the Inspector*
2 *General has responsibilities under this section.*

3 “(C) *The level of classification or compartmentation*
4 *of information shall not, in and of itself, provide a suffi-*
5 *cient rationale for denying the Inspector General access to*
6 *any materials under subparagraph (B).*

7 “(D) *Failure on the part of any employee, or any em-*
8 *ployee of a contractor, of any element of the intelligence*
9 *community to cooperate with the Inspector General shall*
10 *be grounds for appropriate administrative actions by the*
11 *Director or, on the recommendation of the Director, other*
12 *appropriate officials of the intelligence community, includ-*
13 *ing loss of employment or the termination of an existing*
14 *contractual relationship.*

15 “(3) *The Inspector General is authorized to receive and*
16 *investigate complaints or information from any person con-*
17 *cerning the existence of an activity constituting a violation*
18 *of laws, rules, or regulations, or mismanagement, gross*
19 *waste of funds, abuse of authority, or a substantial and spe-*
20 *cific danger to the public health and safety. Once such com-*
21 *plaint or information has been received from an employee*
22 *of the Federal Government—*

23 “(A) *the Inspector General shall not disclose the*
24 *identity of the employee without the consent of the*
25 *employee, unless the Inspector General determines*

1 *that such disclosure is unavoidable during the course*
2 *of the investigation or the disclosure is made to an of-*
3 *ficial of the Department of Justice responsible for de-*
4 *termining whether a prosecution should be under-*
5 *taken; and*

6 *“(B) no action constituting a reprisal, or threat*
7 *of reprisal, for making such complaint may be taken*
8 *by any employee in a position to take such actions,*
9 *unless the complaint was made or the information*
10 *was disclosed with the knowledge that it was false or*
11 *with willful disregard for its truth or falsity.*

12 *“(4) The Inspector General shall have authority to ad-*
13 *minister to or take from any person an oath, affirmation,*
14 *or affidavit, whenever necessary in the performance of the*
15 *duties of the Inspector General, which oath, affirmation, or*
16 *affidavit when administered or taken by or before an em-*
17 *ployee of the Office of the Inspector General of the Intel-*
18 *ligence Community designated by the Inspector General*
19 *shall have the same force and effect as if administered or*
20 *taken by, or before, an officer having a seal.*

21 *“(5)(A) Except as provided in subparagraph (B), the*
22 *Inspector General is authorized to require by subpoena the*
23 *production of all information, documents, reports, answers,*
24 *records, accounts, papers, and other data and documentary*

1 *evidence necessary in the performance of the duties and re-*
2 *sponsibilities of the Inspector General.*

3 “(B) *In the case of departments, agencies, and other*
4 *elements of the United States Government, the Inspector*
5 *General shall obtain information, documents, reports, an-*
6 *swers, records, accounts, papers, and other data and evi-*
7 *dence for the purpose specified in subparagraph (A) using*
8 *procedures other than by subpoenas.*

9 “(C) *The Inspector General may not issue a subpoena*
10 *for, or on behalf of, any other element of the intelligence*
11 *community, including the Office of the Director of National*
12 *Intelligence.*

13 “(D) *In the case of contumacy or refusal to obey a*
14 *subpoena issued under this paragraph, the subpoena shall*
15 *be enforceable by order of any appropriate district court*
16 *of the United States.*

17 “(g) *COORDINATION AMONG INSPECTORS GENERAL OF*
18 *INTELLIGENCE COMMUNITY.—(1)(A) In the event of a mat-*
19 *ter within the jurisdiction of the Inspector General of the*
20 *Intelligence Community that may be subject to an inves-*
21 *tigation, inspection, or audit by both the Inspector General*
22 *of the Intelligence Community and an Inspector General,*
23 *whether statutory or administrative, with oversight respon-*
24 *sibility for an element or elements of the intelligence com-*
25 *munity, the Inspector General of the Intelligence Commu-*

1 nity and such other Inspector or Inspectors General shall
2 expeditiously resolve the question of which Inspector Gen-
3 eral shall conduct such investigation, inspection, or audit.

4 “(B) In attempting to resolve a question under sub-
5 paragraph (A), the Inspectors General concerned may re-
6 quest the assistance of the Intelligence Community Inspec-
7 tors General Forum established under subparagraph (C). In
8 the event of a dispute between an Inspector General within
9 an agency or department of the United States Government
10 and the Inspector General of the Intelligence Community
11 that has not been resolved with the assistance of the Forum,
12 the Inspectors General shall submit the question to the Di-
13 rector of National Intelligence and the head of the agency
14 or department for resolution.

15 “(C) There is established the Intelligence Community
16 Inspectors General Forum which shall consist of all statu-
17 tory or administrative Inspectors General with oversight re-
18 sponsibility for an element or elements of the intelligence
19 community. The Inspector General of the Intelligence Com-
20 munity shall serve as the chair of the Forum. The Forum
21 shall have no administrative authority over any Inspector
22 General, but shall serve as a mechanism for informing its
23 members of the work of individual members of the Forum
24 that may be of common interest and discussing questions
25 about jurisdiction or access to employees, employees of a

1 contractor, records, audits, reviews, documents, rec-
2 ommendations, or other materials that may involve or be
3 of assistance to more than 1 of its members.

4 “(2) The Inspector General conducting an investiga-
5 tion, inspection, or audit covered by paragraph (1) shall
6 submit the results of such investigation, inspection, or audit
7 to any other Inspector General, including the Inspector
8 General of the Intelligence Community, with jurisdiction to
9 conduct such investigation, inspection, or audit who did not
10 conduct such investigation, inspection, or audit.

11 “(h) STAFF AND OTHER SUPPORT.—(1) The Inspector
12 General of the Intelligence Community shall be provided
13 with appropriate and adequate office space at central and
14 field office locations, together with such equipment, office
15 supplies, maintenance services, and communications facili-
16 ties and services as may be necessary for the operation of
17 such offices.

18 “(2)(A) Subject to applicable law and the policies of
19 the Director of National Intelligence, the Inspector General
20 shall select, appoint, and employ such officers and employ-
21 ees as may be necessary to carry out the functions of the
22 Inspector General. The Inspector General shall ensure that
23 any officer or employee so selected, appointed, or employed
24 has security clearances appropriate for the assigned duties
25 of such officer or employee.

1 “(B) In making selections under subparagraph (A),
2 the Inspector General shall ensure that such officers and
3 employees have the requisite training and experience to en-
4 able the Inspector General to carry out the duties of the
5 Inspector General effectively.

6 “(C) In meeting the requirements of this paragraph,
7 the Inspector General shall create within the Office of the
8 Inspector General of the Intelligence Community a career
9 cadre of sufficient size to provide appropriate continuity
10 and objectivity needed for the effective performance of the
11 duties of the Inspector General.

12 “(3)(A) Subject to the concurrence of the Director, the
13 Inspector General may request such information or assist-
14 ance as may be necessary for carrying out the duties and
15 responsibilities of the Inspector General from any depart-
16 ment, agency, or other element of the United States Govern-
17 ment.

18 “(B) Upon request of the Inspector General for infor-
19 mation or assistance under subparagraph (A), the head of
20 the department, agency, or element concerned shall, insofar
21 as is practicable and not in contravention of any existing
22 statutory restriction or regulation of the department, agen-
23 cy, or element, furnish to the Inspector General, or to an
24 authorized designee, such information or assistance.

1 “(C) *The Inspector General of the Intelligence Commu-*
2 *nity may, upon reasonable notice to the head of any element*
3 *of the intelligence community, conduct, as authorized by*
4 *this section, an investigation, inspection, or audit of such*
5 *element and may enter into any place occupied by such*
6 *element for purposes of the performance of the duties of the*
7 *Inspector General.*

8 “(i) *REPORTS.—(1)(A) The Inspector General of the*
9 *Intelligence Community shall, not later than January 31*
10 *and July 31 of each year, prepare and submit to the Direc-*
11 *tor of National Intelligence a classified, and, as appro-*
12 *priate, unclassified semiannual report summarizing the ac-*
13 *tivities of the Office of the Inspector General of the Intel-*
14 *ligence Community during the immediately preceding 6-*
15 *month period ending December 31 (of the preceding year)*
16 *and June 30, respectively. The Inspector General of the In-*
17 *telligence Community shall provide any portion of the re-*
18 *port involving a component of a department of the United*
19 *States Government to the head of that department simulta-*
20 *neously with submission of the report to the Director of Na-*
21 *tional Intelligence.*

22 “(B) *Each report under this paragraph shall include,*
23 *at a minimum, the following:*

24 “(i) *A list of the title or subject of each investiga-*
25 *tion, inspection, or audit conducted during the period*

1 covered by such report, including a summary of the
2 progress of each particular investigation, inspection,
3 or audit since the preceding report of the Inspector
4 General under this paragraph.

5 “(ii) A description of significant problems,
6 abuses, and deficiencies relating to the administration
7 and implementation of programs and operations of
8 the intelligence community, and in the relationships
9 between elements of the intelligence community, iden-
10 tified by the Inspector General during the period cov-
11 ered by such report.

12 “(iii) A description of the recommendations for
13 corrective or disciplinary action made by the Inspec-
14 tor General during the period covered by such report
15 with respect to significant problems, abuses, or defi-
16 ciencies identified in clause (ii).

17 “(iv) A statement whether or not corrective or
18 disciplinary action has been completed on each sig-
19 nificant recommendation described in previous semi-
20 annual reports, and, in a case where corrective action
21 has been completed, a description of such corrective
22 action.

23 “(v) A certification whether or not the Inspector
24 General has had full and direct access to all informa-

1 *tion relevant to the performance of the functions of*
2 *the Inspector General.*

3 *“(vi) A description of the exercise of the sub-*
4 *poena authority under subsection (f)(5) by the Inspec-*
5 *tor General during the period covered by such report.*

6 *“(vii) Such recommendations as the Inspector*
7 *General considers appropriate for legislation to pro-*
8 *mote economy, efficiency, and effectiveness in the ad-*
9 *ministration and implementation of matters within*
10 *the responsibility and authority of the Director of Na-*
11 *tional Intelligence, and to detect and eliminate fraud*
12 *and abuse in such matters.*

13 *“(C) Not later than the 30 days after the date of receipt*
14 *of a report under subparagraph (A), the Director shall*
15 *transmit the report to the congressional intelligence com-*
16 *mittees together with any comments the Director considers*
17 *appropriate. The Director shall transmit to the committees*
18 *of the Senate and of the House of Representatives with ju-*
19 *risdiction over a department of the United States Govern-*
20 *ment any portion of the report involving a component of*
21 *such department simultaneously with submission of the re-*
22 *port to the congressional intelligence committees.*

23 *“(2)(A) The Inspector General shall report imme-*
24 *diately to the Director whenever the Inspector General be-*
25 *comes aware of particularly serious or flagrant problems,*

1 *abuses, or deficiencies relating to matters within the respon-*
2 *sibility and authority of the Director of National Intel-*
3 *ligence.*

4 “(B) *The Director shall transmit to the congressional*
5 *intelligence committees each report under subparagraph (A)*
6 *within 7 calendar days of receipt of such report, together*
7 *with such comments as the Director considers appropriate.*
8 *The Director shall transmit to the committees of the Senate*
9 *and of the House of Representatives with jurisdiction over*
10 *a department of the United States Government any portion*
11 *of each report under subparagraph (A) that involves a prob-*
12 *lem, abuse, or deficiency related to a component of such de-*
13 *partment simultaneously with transmission of the report to*
14 *the congressional intelligence committees.*

15 “(3) *In the event that—*

16 “(A) *the Inspector General is unable to resolve*
17 *any differences with the Director affecting the execu-*
18 *tion of the duties or responsibilities of the Inspector*
19 *General;*

20 “(B) *an investigation, inspection, or audit car-*
21 *ried out by the Inspector General focuses on any cur-*
22 *rent or former intelligence community official who—*

23 “(i) *holds or held a position in an element*
24 *of the intelligence community that is subject to*
25 *appointment by the President, whether or not by*

1 *and with the advice and consent of the Senate,*
2 *including such a position held on an acting*
3 *basis;*

4 *“(ii) holds or held a position in an element*
5 *of the intelligence community, including a posi-*
6 *tion held on an acting basis, that is appointed*
7 *by the Director of National Intelligence; or*

8 *“(iii) holds or held a position as head of an*
9 *element of the intelligence community or a posi-*
10 *tion covered by subsection (b) or (c) of section*
11 *106;*

12 *“(C) a matter requires a report by the Inspector*
13 *General to the Department of Justice on possible*
14 *criminal conduct by a current or former official de-*
15 *scribed in subparagraph (B);*

16 *“(D) the Inspector General receives notice from*
17 *the Department of Justice declining or approving*
18 *prosecution of possible criminal conduct of any cur-*
19 *rent or former official described in subparagraph (B);*
20 *or*

21 *“(E) the Inspector General, after exhausting all*
22 *possible alternatives, is unable to obtain significant*
23 *documentary information in the course of an inves-*
24 *tigation, inspection, or audit,*

1 *the Inspector General shall immediately notify and submit*
2 *a report on such matter to the congressional intelligence*
3 *committees.*

4 “(4) Pursuant to title V, the Director shall submit to
5 *the congressional intelligence committees any report or*
6 *findings and recommendations of an investigation, inspec-*
7 *tion, or audit conducted by the office which has been re-*
8 *quested by the Chairman or Vice Chairman or Ranking Mi-*
9 *nority Member of either committee.*

10 “(5)(A) An employee of an element of the intelligence
11 *community, an employee assigned or detailed to an element*
12 *of the intelligence community, or an employee of a con-*
13 *tractor to the intelligence community who intends to report*
14 *to Congress a complaint or information with respect to an*
15 *urgent concern may report such complaint or information*
16 *to the Inspector General.*

17 “(B) Not later than the end of the 14-calendar day
18 *period beginning on the date of receipt from an employee*
19 *of a complaint or information under subparagraph (A), the*
20 *Inspector General shall determine whether the complaint or*
21 *information appears credible. Upon making such a deter-*
22 *mination, the Inspector General shall transmit to the Direc-*
23 *tor a notice of that determination, together with the com-*
24 *plaint or information.*

1 “(C) Upon receipt of a transmittal from the Inspector
2 General under subparagraph (B), the Director shall, within
3 7 calendar days of such receipt, forward such transmittal
4 to the congressional intelligence committees, together with
5 any comments the Director considers appropriate.

6 “(D)(i) If the Inspector General does not find credible
7 under subparagraph (B) a complaint or information sub-
8 mitted under subparagraph (A), or does not transmit the
9 complaint or information to the Director in accurate form
10 under subparagraph (B), the employee (subject to clause
11 (ii)) may submit the complaint or information to Congress
12 by contacting either or both of the congressional intelligence
13 committees directly.

14 “(ii) An employee may contact the intelligence com-
15 mittees directly as described in clause (i) only if the em-
16 ployee—

17 “(I) before making such a contact, furnishes to
18 the Director, through the Inspector General, a state-
19 ment of the employee’s complaint or information and
20 notice of the employee’s intent to contact the congress-
21 sional intelligence committees directly; and

22 “(II) obtains and follows from the Director,
23 through the Inspector General, direction on how to
24 contact the intelligence committees in accordance with
25 appropriate security practices.

1 “(iii) A member or employee of 1 of the congressional
2 intelligence committees who receives a complaint or infor-
3 mation under clause (i) does so in that member or employ-
4 ee’s official capacity as a member or employee of such com-
5 mittee.

6 “(E) The Inspector General shall notify an employee
7 who reports a complaint or information to the Inspector
8 General under this paragraph of each action taken under
9 this paragraph with respect to the complaint or informa-
10 tion. Such notice shall be provided not later than 3 days
11 after any such action is taken.

12 “(F) An action taken by the Director or the Inspector
13 General under this paragraph shall not be subject to judi-
14 cial review.

15 “(G) In this paragraph, the term ‘urgent concern’
16 means any of the following:

17 “(i) A serious or flagrant problem, abuse, viola-
18 tion of law or Executive order, or deficiency relating
19 to the funding, administration, or operation of an in-
20 telligence activity involving classified information,
21 but does not include differences of opinions con-
22 cerning public policy matters.

23 “(ii) A false statement to Congress, or a willful
24 withholding from Congress, on an issue of material

1 *fact relating to the funding, administration, or oper-*
2 *ation of an intelligence activity.*

3 *“(iii) An action, including a personnel action*
4 *described in section 2302(a)(2)(A) of title 5, United*
5 *States Code, constituting reprisal or threat of reprisal*
6 *prohibited under subsection (f)(3)(B) of this section in*
7 *response to an employee’s reporting an urgent concern*
8 *in accordance with this paragraph.*

9 *“(H) In support of this paragraph, Congress makes the*
10 *findings set forth in paragraphs (1) through (6) of section*
11 *701(b) of the Intelligence Community Whistleblower Protec-*
12 *tion Act of 1998 (title VII of Public Law 105–272; 5 U.S.C.*
13 *App. 8H note).*

14 *“(6) In accordance with section 535 of title 28, United*
15 *States Code, the Inspector General shall report to the Attor-*
16 *ney General any information, allegation, or complaint re-*
17 *ceived by the Inspector General relating to violations of*
18 *Federal criminal law that involves a program or operation*
19 *of an element of the intelligence community, or in the rela-*
20 *tionships between the elements of the intelligence commu-*
21 *nity, consistent with such guidelines as may be issued by*
22 *the Attorney General pursuant to subsection (b)(2) of such*
23 *section. A copy of each such report shall be furnished to*
24 *the Director.*

1 “(j) *SEPARATE BUDGET ACCOUNT.*—*The Director of*
2 *National Intelligence shall, in accordance with procedures*
3 *to be issued by the Director in consultation with the con-*
4 *gressional intelligence committees, include in the National*
5 *Intelligence Program budget a separate account for the Of-*
6 *fice of Inspector General of the Intelligence Community.*

7 “(k) *CONSTRUCTION OF DUTIES REGARDING ELE-*
8 *MENTS OF INTELLIGENCE COMMUNITY.*—*Except as resolved*
9 *pursuant to subsection (g), the performance by the Inspector*
10 *General of the Intelligence Community of any duty, respon-*
11 *sibility, or function regarding an element of the intelligence*
12 *community shall not be construed to modify or effect the*
13 *duties and responsibilities of any other Inspector General,*
14 *whether statutory or administrative, having duties and re-*
15 *sponsibilities relating to such element.”.*

16 (2) *CLERICAL AMENDMENT.*—*The table of con-*
17 *tents in the first section of the National Security Act*
18 *of 1947 is amended by inserting after the item relat-*
19 *ing to section 103G the following new item:*

“*Sec. 103H. Inspector General of the Intelligence Community.*”.

20 (b) *REPEAL OF SUPERSEDED AUTHORITY TO ESTAB-*
21 *LISH POSITION.*—*Section 8K of the Inspector General Act*
22 *of 1978 (5 U.S.C. App.) is repealed.*

1 (c) *EXECUTIVE SCHEDULE LEVEL IV.*—Section 5315
 2 of title 5, United States Code, is amended by adding at
 3 the end the following new item:

4 “Inspector General of the Intelligence Commu-
 5 nity.”.

6 **SEC. 414. ANNUAL REPORT ON FOREIGN LANGUAGE PRO-**
 7 **FICIENCY IN THE INTELLIGENCE COMMU-**
 8 **NITY.**

9 (a) *REPORT.*—

10 (1) *IN GENERAL.*—Title V of the National Secu-
 11 rity Act of 1947 (50 U.S.C. 413 et seq.), as amended
 12 by title III of this Act, is further amended by adding
 13 at the end the following new section:

14 “*REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE*
 15 *INTELLIGENCE COMMUNITY*”

16 “*SEC. 508. Not later than February 1 of each year,*
 17 *the Director of National Intelligence shall submit to the con-*
 18 *gressional intelligence committees a report on the pro-*
 19 *ficiency in foreign languages and, if appropriate, in foreign*
 20 *dialects of each element of the intelligence community, in-*
 21 *cluding—*

22 “(1) *the number of positions authorized for such*
 23 *element that require foreign language proficiency and*
 24 *the level of proficiency required;*

25 “(2) *an estimate of the number of such positions*
 26 *that each element will require during the 5-year pe-*

1 *riod beginning on the date of the submission of the re-*
2 *port;*

3 *“(3) the number of positions authorized for such*
4 *element that require foreign language proficiency that*
5 *are filled by—*

6 *“(A) military personnel; and*

7 *“(B) civilian personnel;*

8 *“(4) the number of applicants for positions in*
9 *such element in the previous fiscal year that indicated*
10 *foreign language proficiency, including the foreign*
11 *language indicated and the proficiency level;*

12 *“(5) the number of persons hired by such element*
13 *with foreign language proficiency, including the for-*
14 *foreign language and proficiency level;*

15 *“(6) the number of personnel of such element*
16 *currently attending foreign language training, includ-*
17 *ing the provider of such training;*

18 *“(7) a description of such element’s efforts to re-*
19 *cruit, hire, train, and retain personnel that are pro-*
20 *ficient in a foreign language;*

21 *“(8) an assessment of methods and models for*
22 *basic, advanced, and intensive foreign language train-*
23 *ing;*

24 *“(9) for each foreign language and, where appro-*
25 *priate, dialect of a foreign language—*

1 “(A) the number of positions of such ele-
2 ment that require proficiency in the foreign lan-
3 guage or dialect;

4 “(B) the number of personnel of such ele-
5 ment that are serving in a position that—

6 “(i) requires proficiency in the foreign
7 language or dialect to perform the primary
8 duty of the position; and

9 “(ii) does not require proficiency in
10 the foreign language or dialect to perform
11 the primary duty of the position;

12 “(C) the number of personnel of such ele-
13 ment rated at each level of proficiency of the
14 Interagency Language Roundtable;

15 “(D) whether the number of personnel at
16 each level of proficiency of the Interagency Lan-
17 guage Roundtable meets the requirements of such
18 element;

19 “(E) the number of personnel serving or
20 hired to serve as linguists for such element that
21 are not qualified as linguists under the stand-
22 ards of the Interagency Language Roundtable;

23 “(F) the number of personnel hired to serve
24 as linguists for such element during the pre-
25 ceding calendar year;

1 “(G) *the number of personnel serving as lin-*
2 *guists that discontinued serving such element*
3 *during the preceding calendar year;*

4 “(H) *the percentage of work requiring lin-*
5 *guistic skills that is fulfilled by an ally of the*
6 *United States; and*

7 “(I) *the percentage of work requiring lin-*
8 *guistic skills that is fulfilled by contractors;*

9 “(10) *an assessment of the foreign language ca-*
10 *capacity and capabilities of the intelligence community*
11 *as a whole; and*

12 “(11) *recommendations for eliminating required*
13 *reports relating to foreign-language proficiency that*
14 *the Director of National Intelligence considers out-*
15 *dated or no longer relevant.”.*

16 (2) *REPORT DATE.*—Section 507(a)(1) of such
17 Act (50 U.S.C. 415b(a)(1)), as amended by section
18 328(f) of this Act, is further amended by adding at
19 the end the following new subparagraph:

20 “(M) *The annual report on foreign language pro-*
21 *iciency in the intelligence community required by*
22 *section 508.”.*

23 (b) *CONFORMING AMENDMENT.*—The table of contents
24 in the first section of such Act is further amended by insert-

1 *ing after the item relating to section 507 the following new*
2 *item:*

*“Sec. 508. Report on foreign language proficiency in the intelligence commu-
nity.”.*

3 **SEC. 415. DIRECTOR OF NATIONAL INTELLIGENCE REPORT**
4 **ON RETIREMENT BENEFITS FOR FORMER EM-**
5 **PLOYEES OF AIR AMERICA.**

6 *(a) IN GENERAL.—Not later than 120 days after the*
7 *date of the enactment of this Act, the Director of National*
8 *Intelligence shall submit to Congress a report on the advis-*
9 *ability of providing Federal retirement benefits to United*
10 *States citizens for the service of such individuals before 1977*
11 *as employees of Air America or an associated company*
12 *while such company was owned or controlled by the United*
13 *States Government and operated or managed by the Central*
14 *Intelligence Agency.*

15 *(b) REPORT ELEMENTS.—*

16 *(1) IN GENERAL.—The report required by sub-*
17 *section (a) shall include the following:*

18 *(A) The history of Air America and associated*
19 *companies before 1977, including a description of—*

20 *(i) the relationship between such companies*
21 *and the Central Intelligence Agency and other*
22 *elements of the United States Government;*

23 *(ii) the workforce of such companies;*

1 (iii) the missions performed by such compa-
2 nies and their employees for the United States;
3 and

4 (iv) the casualties suffered by employees of
5 such companies in the course of their employ-
6 ment with such companies.

7 (B) A description of the retirement benefits con-
8 tracted for or promised to the employees of such com-
9 panies before 1977, the contributions made by such
10 employees for such benefits, the retirement benefits ac-
11 tually paid such employees, the entitlement of such
12 employees to the payment of future retirement bene-
13 fits, and the likelihood that former employees of such
14 companies will receive any future retirement benefits.

15 (C) An assessment of the difference between—

16 (i) the retirement benefits that former em-
17 ployees of such companies have received or will
18 receive by virtue of their employment with such
19 companies; and

20 (ii) the retirement benefits that such em-
21 ployees would have received and in the future re-
22 ceive if such employees had been, or would now
23 be, treated as employees of the United States
24 whose services while in the employ of such com-
25 panies had been or would now be credited as

1 *Federal service for the purpose of Federal retire-*
2 *ment benefits.*

3 *(D) Any recommendations regarding the advis-*
4 *ability of legislative action to treat employment at*
5 *such companies as Federal service for the purpose of*
6 *Federal retirement benefits in light of the relationship*
7 *between such companies and the United States Gov-*
8 *ernment and the services and sacrifices of such em-*
9 *ployees to and for the United States, and if legislative*
10 *action is considered advisable, a proposal for such ac-*
11 *tion and an assessment of its costs.*

12 *(2) OTHER CONTENT.—The Director of National Intel-*
13 *ligence shall include in the report any views of the Director*
14 *of the Central Intelligence Agency on the matters covered*
15 *by the report that the Director of the Central Intelligence*
16 *Agency considers appropriate.*

17 *(c) ASSISTANCE OF COMPTROLLER GENERAL.—The*
18 *Comptroller General of the United States shall, upon the*
19 *request of the Director of National Intelligence and in a*
20 *manner consistent with the protection of classified informa-*
21 *tion, assist the Director in the preparation of the report*
22 *required by subsection (a).*

23 *(d) FORM.—The report required by subsection (a) shall*
24 *be submitted in unclassified form, but may include a classi-*
25 *fied annex.*

1 (e) *DEFINITIONS.*—*In this section:*

2 (1) *AIR AMERICA.*—*The term “Air America”*
3 *means Air America, Incorporated.*

4 (2) *ASSOCIATED COMPANY.*—*The term “associ-*
5 *ated company” means any company associated with*
6 *or subsidiary to Air America, including Air Asia*
7 *Company Limited and the Pacific Division of South-*
8 *ern Air Transport, Incorporated.*

9 **SEC. 416. SPACE INTELLIGENCE.**

10 *Section 102A of the National Security Act of 1947 (50*
11 *U.S.C. 403–1) as amended by sections 303, 304, and 411*
12 *of this Act, is further amended by adding at the end the*
13 *following new subsection:*

14 “(v) *CONSIDERATION OF SPACE INTELLIGENCE.*—

15 “(1) *IN GENERAL.*—*The Director of National In-*
16 *telligence shall require that space-intelligence related*
17 *issues and concerns are fully considered in carrying*
18 *out the authorities of the intelligence community*
19 *under this Act and under other provisions of law, in-*
20 *cluding in carrying out—*

21 “(A) *the responsibilities and authorities de-*
22 *scribed under subsections (f), (h), and (g); and*

23 “(B) *the creation of policy, and in the re-*
24 *ruitment, hiring, training, and retention of per-*
25 *sonnel.*

1 “(2) *ADDITIONAL CONSIDERATIONS.*—*The Direc-*
2 *tor of National Intelligence shall ensure that agencies*
3 *give due consideration to the vulnerability assessment*
4 *prepared for a given major system, as required in sec-*
5 *tion 506C of this Act, at all stages of architecture and*
6 *system planning, development, acquisition, operation,*
7 *and support of a space-intelligence system.”.*

8 **SEC. 417. OPERATIONAL FILES IN THE OFFICE OF THE DI-**
9 **RECTOR OF NATIONAL INTELLIGENCE.**

10 *(a) IN GENERAL.*—*Title VII of the National Security*
11 *Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding*
12 *at the end the following new section:*

13 “*OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR*
14 *OF NATIONAL INTELLIGENCE*

15 “*SEC. 706. (a) RECORDS FROM EXEMPTED OPER-*
16 *ATIONAL FILES.*—*(1) Any record disseminated or otherwise*
17 *provided to an element of the Office of the Director of Na-*
18 *tional Intelligence from the exempted operational files of*
19 *elements of the intelligence community designated in ac-*
20 *cordance with this title, and any operational files created*
21 *by the Office of the Director of National Intelligence that*
22 *incorporate such record in accordance with subparagraph*
23 *(A)(ii), shall be exempted from the provisions of section 552*
24 *of title 5, United States Code that require search, review,*
25 *publication, or disclosure in connection therewith, in any*
26 *instance in which—*

1 “(A)(i) such record is shared within the Office of
2 the Director of National Intelligence and not dissemi-
3 nated by that Office beyond that Office; or

4 “(ii) such record is incorporated into new
5 records created by personnel of the Office of the Direc-
6 tor of National Intelligence and maintained in oper-
7 ational files of the Office of the Director of National
8 Intelligence and such record is not disseminated by
9 that Office beyond that Office; and

10 “(B) the operational files from which such record
11 has been obtained continue to remain designated as
12 operational files exempted from section 552 of title 5,
13 United States Code.

14 “(2) The operational files of the Office of the Director
15 of National Intelligence referred to in paragraph (1)(A)(ii)
16 shall be substantially similar in nature to the originating
17 operational files from which the record was disseminated
18 or provided, as such files are defined in this title.

19 “(3) Records disseminated or otherwise provided to the
20 Office of the Director of National Intelligence from other
21 elements of the intelligence community that are not pro-
22 tected by paragraph (1), and that are authorized to be dis-
23 seminated beyond the Office of the Director of National In-
24 telligence, shall remain subject to search and review under
25 section 552 of title 5, United States Code, but may continue

1 *to be exempted from the publication and disclosure provi-*
2 *sions of that section by the originating agency to the extent*
3 *that such section permits.*

4 “(4) Notwithstanding any other provision of this title,
5 *records in the exempted operational files of the Central In-*
6 *telligence Agency, the National Geospatial-Intelligence*
7 *Agency, the National Reconnaissance Office, the National*
8 *Security Agency, or the Defense Intelligence Agency shall*
9 *not be subject to the search and review provisions of section*
10 *552 of title 5, United States Code, solely because they have*
11 *been disseminated to an element or elements of the Office*
12 *of the Director of National Intelligence, or referenced in*
13 *operational files of the Office of the Director of National*
14 *Intelligence and that are not disseminated beyond the Office*
15 *of the Director of National Intelligence.*

16 “(5) Notwithstanding any other provision of this title,
17 *the incorporation of records from the operational files of*
18 *the Central Intelligence Agency, the National Geospatial-*
19 *Intelligence Agency, the National Reconnaissance Office, the*
20 *National Security Agency, or the Defense Intelligence Agen-*
21 *cy, into operational files of the Office of the Director of Na-*
22 *tional Intelligence shall not subject that record or the oper-*
23 *ational files of the Central Intelligence Agency, the National*
24 *Geospatial-Intelligence Agency, the National Reconnaiss-*
25 *sance Office, the National Security Agency or the Defense*

1 *Intelligence Agency to the search and review provisions of*
2 *section 552 of title 5, United States Code.*

3 “(b) *OTHER RECORDS.—(1) Files in the Office of the*
4 *Director of National Intelligence that are not exempted*
5 *under subsection (a) of this section which contain informa-*
6 *tion derived or disseminated from exempted operational*
7 *files shall be subject to search and review under section 552*
8 *of title 5, United States Code.*

9 “(2) *The inclusion of information from exempted oper-*
10 *ational files in files of the Office of the Director of National*
11 *Intelligence that are not exempted under subsection (a) shall*
12 *not affect the exemption of the originating operational files*
13 *from search, review, publication, or disclosure.*

14 “(3) *Records from exempted operational files of the Of-*
15 *fice of the Director of National Intelligence which have been*
16 *disseminated to and referenced in files that are not exempt-*
17 *ed under subsection (a), and which have been returned to*
18 *exempted operational files of the Office of the Director of*
19 *National Intelligence for sole retention, shall be subject to*
20 *search and review.*

21 “(c) *SEARCH AND REVIEW FOR CERTAIN PURPOSES.—*
22 *Notwithstanding subsection (a), exempted operational files*
23 *shall continue to be subject to search and review for infor-*
24 *mation concerning any of the following:*

1 “(1) *United States citizens or aliens lawfully ad-*
2 *mitted for permanent residence who have requested*
3 *information on themselves pursuant to the provisions*
4 *of section 552 or 552a of title 5, United States Code.*

5 “(2) *Any special activity the existence of which*
6 *is not exempt from disclosure under the provisions of*
7 *section 552 of title 5, United States Code.*

8 “(3) *The specific subject matter of an investiga-*
9 *tion by any of the following for any impropriety, or*
10 *violation of law, Executive order, or Presidential di-*
11 *rective, in the conduct of an intelligence activity:*

12 “(A) *The Select Committee on Intelligence*
13 *of the Senate.*

14 “(B) *The Permanent Select Committee on*
15 *Intelligence of the House of Representatives.*

16 “(C) *The Intelligence Oversight Board.*

17 “(D) *The Department of Justice.*

18 “(E) *The Office of the Director of National*
19 *Intelligence.*

20 “(F) *The Office of the Inspector General of*
21 *the Intelligence Community.*

22 “(d) *DECENNIAL REVIEW OF EXEMPTED OPER-*
23 *ATIONAL FILES.—(1) Not less than once every 10 years, the*
24 *Director of National Intelligence shall review the oper-*
25 *ational files exempted under subsection (a) to determine*

1 *whether such files, or any portion of such files, may be re-*
2 *moved from the category of exempted files.*

3 “(2) *The review required by paragraph (1) shall in-*
4 *clude consideration of the historical value or other public*
5 *interest in the subject matter of the particular category of*
6 *files or portions thereof and the potential for declassifying*
7 *a significant part of the information contained therein.*

8 “(3) *A complainant that alleges that the Director of*
9 *National Intelligence has improperly withheld records be-*
10 *cause of failure to comply with this subsection may seek*
11 *judicial review in the district court of the United States*
12 *of the district in which any of the parties reside, or in the*
13 *District of Columbia. In such a proceeding, the court’s re-*
14 *view shall be limited to determining the following:*

15 “(A) *Whether the Director has conducted the re-*
16 *view required by paragraph (1) before the expiration*
17 *of the 10-year period beginning on the date of the en-*
18 *actment of the Intelligence Authorization Act for Fis-*
19 *cal Year 2008 or before the expiration of the 10-year*
20 *period beginning on the date of the most recent re-*
21 *view.*

22 “(B) *Whether the Director of National Intel-*
23 *ligence, in fact, considered the criteria set forth in*
24 *paragraph (2) in conducting the required review.*

1 “(e) *SUPERSEDURE OF OTHER LAWS.*—*The provisions*
2 *of this section may not be superseded except by a provision*
3 *of law that is enacted after the date of the enactment of*
4 *this section and that specifically cites and repeals or modi-*
5 *fies such provisions.*

6 “(f) *APPLICABILITY.*—*The Director of National Intel-*
7 *ligence will publish a regulation listing the specific elements*
8 *within the Office of the Director of National Intelligence*
9 *whose records can be exempted from search and review*
10 *under this section.*

11 “(g) *ALLEGATION; IMPROPER WITHHOLDING OF*
12 *RECORDS; JUDICIAL REVIEW.*—(1) *Except as provided in*
13 *paragraph (2), whenever any person who has requested*
14 *agency records under section 552 of title 5, United States*
15 *Code, alleges that the Office of the Director of National In-*
16 *telligence has withheld records improperly because of failure*
17 *to comply with any provision of this section, judicial review*
18 *shall be available under the terms set forth in section*
19 *552(a)(4)(B) of title 5, United States Code.*

20 “(2) *Judicial review shall not be available in the man-*
21 *ner provided for under paragraph (1) as follows:*

22 “(A) *In any case in which information specifi-*
23 *cally authorized under criteria established by an Ex-*
24 *ecutive order to be kept secret in the interests of na-*
25 *tional defense or foreign relations is filed with, or*

1 *produced for, the court by the Office of the Director*
2 *of National Intelligence, such information shall be ex-*
3 *amined ex parte, in camera by the court.*

4 “(B) *The court shall determine, to the fullest ex-*
5 *tent practicable, the issues of fact based on sworn*
6 *written submissions of the parties.*

7 “(C) *When a complainant alleges that requested*
8 *records are improperly withheld because of improper*
9 *placement solely in exempted operational files, the*
10 *complainant shall support such allegation with a*
11 *sworn written submission based upon personal knowl-*
12 *edge or otherwise admissible evidence.*

13 “(D)(i) *When a complainant alleges that re-*
14 *quested records were improperly withheld because of*
15 *improper exemption of operational files, the Office of*
16 *the Director of National Intelligence shall meet its*
17 *burden under section 552(a)(4)(B) of title 5, United*
18 *States Code, by demonstrating to the court by sworn*
19 *written submission that exempted operational files*
20 *likely to contain responsive records currently meet the*
21 *criteria set forth in subsection (a).*

22 “(ii) *The court may not order the Office of the*
23 *Director of National Intelligence to review the content*
24 *of any exempted operational file or files in order to*
25 *make the demonstration required under clause (i), un-*

1 *less the complainant disputes the Office’s showing*
2 *with a sworn written submission based on personal*
3 *knowledge or otherwise admissible evidence.*

4 *“(E) In proceedings under subparagraph (C) or*
5 *(D), a party may not obtain discovery pursuant to*
6 *rules 26 through 36 of the Federal Rules of Civil Pro-*
7 *cedure, except that requests for admissions may be*
8 *made pursuant to rules 26 and 36.*

9 *“(F) If the court finds under this subsection that*
10 *the Office of the Director of National Intelligence has*
11 *improperly withheld requested records because of fail-*
12 *ure to comply with any provision of this section, the*
13 *court shall order the Office to search and review the*
14 *appropriate exempted operational file or files for the*
15 *requested records and make such records, or portions*
16 *thereof, available in accordance with the provisions of*
17 *section 552 of title 5, United States Code, and such*
18 *order shall be the exclusive remedy for failure to com-*
19 *ply with this section.*

20 *“(G) If at any time following the filing of a com-*
21 *plaint pursuant to this paragraph the Office of the*
22 *Director of National Intelligence agrees to search the*
23 *appropriate exempted operational file or files for the*
24 *requested records, the court shall dismiss the claim*
25 *based upon such complaint.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
2 *the first section of the National Security Act of 1947 is*
3 *amended by inserting after the item relating to section 705*
4 *the following new item:*

 “Sec. 706. *Operational files in the Office of the Director of National Intel-*
 ligence.”.

5 **SEC. 418. INAPPLICABILITY OF FEDERAL ADVISORY COM-**
6 **MITTEE ACT TO ADVISORY COMMITTEES OF**
7 **THE OFFICE OF THE DIRECTOR OF NATIONAL**
8 **INTELLIGENCE.**

9 *Section 4(b) of the Federal Advisory Committee Act*
10 *(5 U.S.C. App.) is amended—*

- 11 (1) *in paragraph (1), by striking “or”;*
12 (2) *in paragraph (2), by striking the period and*
13 *inserting “; or”;* and
14 (3) *by adding at the end the following new para-*
15 *graph:*

16 “*(3) the Office of the Director of National Intel-*
17 *ligence.*”.

18 **SEC. 419. APPLICABILITY OF THE PRIVACY ACT TO THE DI-**
19 **RECTOR OF NATIONAL INTELLIGENCE AND**
20 **THE OFFICE OF THE DIRECTOR OF NATIONAL**
21 **INTELLIGENCE.**

22 *Subsection (j) of section 552a of title 5, United States*
23 *Code, is amended—*

- 24 (1) *in paragraph (1), by striking “or”;*

1 (2) *by redesignating paragraph (2) as para-*
2 *graph (3); and*

3 (3) *by inserting after paragraph (1) the fol-*
4 *lowing new paragraph:*

5 “(2) *maintained by the Office of the Director of*
6 *National Intelligence; or*”.

7 **SEC. 420. REPEAL OF CERTAIN AUTHORITIES RELATING TO**
8 **THE OFFICE OF THE NATIONAL COUNTER-**
9 **INTELLIGENCE EXECUTIVE.**

10 (a) *REPEAL OF CERTAIN AUTHORITIES.*—Section 904
11 *of the Counterintelligence Enhancement Act of 2002 (title*
12 *IX of Public Law 107–306; 50 U.S.C. 402c) is amended—*

13 (1) *by striking subsections (d), (h), (i), and (j);*
14 *and*

15 (2) *by redesignating subsections (e), (f), (g), (k),*
16 *(l), and (m) as subsections (d), (e), (f), (g), (h), and*
17 *(i), respectively; and*

18 (3) *in subsection (f), as redesignated by para-*
19 *graph (2), by striking paragraphs (3) and (4).*

20 (b) *CONFORMING AMENDMENTS.*—Such section 904 is
21 *further amended—*

22 (1) *in subsection (d), as redesignated by sub-*
23 *section (a)(2) of this section, by striking “subsection*
24 *(f)” each place it appears in paragraphs (1) and (2)*
25 *and inserting “subsection (e)”;* and

1 (2) *in subsection (e), as so redesignated—*

2 (A) *in paragraph (1), by striking “sub-*
3 *section (e)(1)” and inserting “subsection (d)(1)”;*

4 *and*

5 (B) *in paragraph (2), by striking “sub-*
6 *section (e)(2)” and inserting “subsection (d)(2)”.*

7 ***Subtitle B—Central Intelligence***
8 ***Agency***

9 ***SEC. 431. REVIEW OF COVERT ACTION PROGRAMS BY IN-***
10 ***SPECTOR GENERAL OF THE CENTRAL INTEL-***
11 ***LIGENCE AGENCY.***

12 (a) *IN GENERAL.—Section 503 of the National Secu-*
13 *rity Act of 1947 (50 U.S.C. 413b) is amended by—*

14 (1) *redesignating subsection (e) as subsection (g)*
15 *and transferring such subsection to the end; and*

16 (2) *by inserting after subsection (d) the following*
17 *new subsection:*

18 “(e) *INSPECTOR GENERAL AUDITS OF COVERT AC-*
19 *TIONS.—*

20 “(1) *IN GENERAL.—Subject to paragraph (2), the*
21 *Inspector General of the Central Intelligence Agency*
22 *shall conduct an audit of each covert action at least*
23 *every 3 years. Such audits shall be conducted subject*
24 *to the provisions of paragraphs (3) and (4) of sub-*

1 *section (b) of section 17 of the Central Intelligence*
2 *Agency Act of 1949 (50 U.S.C. 403q).*

3 “(2) *TERMINATED, SUSPENDED PROGRAMS.—The*
4 *Inspector General of the Central Intelligence Agency*
5 *is not required to conduct an audit under paragraph*
6 *(1) of a covert action that has been terminated or sus-*
7 *suspended if such covert action was terminated or sus-*
8 *suspended prior to the last audit of such covert action*
9 *conducted by the Inspector General and has not been*
10 *restarted after the date on which such audit was com-*
11 *pleted.*

12 “(3) *REPORT.—Not later than 60 days after the*
13 *completion of an audit conducted pursuant to para-*
14 *graph (1), the Inspector General of the Central Intel-*
15 *ligence Agency shall submit to the congressional intel-*
16 *ligence committees a report containing the results of*
17 *such audit.”.*

18 (b) *CONFORMING AMENDMENTS.—Title V of the Na-*
19 *tional Security Act of 1947 (50 U.S.C. 413 et seq.) is*
20 *amended—*

21 (1) *in section 501(f) (50 U.S.C. 413(f)), by strik-*
22 *ing “503(e)” and inserting “503(g)”;*

23 (2) *in section 502(a)(1) (50 U.S.C. 413b(a)(1)),*
24 *by striking “503(e)” and inserting “503(g)”;* and

1 (3) *in section 504(c) (50 U.S.C. 414(c)), by*
 2 *striking “503(e)” and inserting “503(g)”.*

3 **SEC. 432. INAPPLICABILITY TO DIRECTOR OF THE CENTRAL**
 4 **INTELLIGENCE AGENCY OF REQUIREMENT**
 5 **FOR ANNUAL REPORT ON PROGRESS IN**
 6 **AUDITABLE FINANCIAL STATEMENTS.**

7 *Section 114A of the National Security Act of 1947 (50*
 8 *U.S.C. 404i-1) is amended by striking “the Director of the*
 9 *Central Intelligence Agency,”.*

10 **SEC. 433. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR**
 11 **PROTECTIVE PERSONNEL OF THE CENTRAL**
 12 **INTELLIGENCE AGENCY.**

13 *(a) IN GENERAL.—Section 5(a)(4) of the Central Intel-*
 14 *ligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amend-*
 15 *ed—*

16 (1) *by inserting “(A)” after “(4)”;*

17 (2) *in subparagraph (A), as so designated—*

18 (A) *by striking “and the protection” and*
 19 *inserting “the protection”; and*

20 (B) *by striking the semicolon and inserting*
 21 *“; and the protection of the Director of National*
 22 *Intelligence and such personnel of the Office of*
 23 *the Director of National Intelligence as the Di-*
 24 *rector of National Intelligence may designate;*
 25 *and”;* and

1 (3) *by adding at the end the following new sub-*
2 *paragraph:*

3 “(B) *Authorize personnel engaged in the per-*
4 *formance of protective functions authorized pursuant*
5 *to subparagraph (A), when engaged in, and in fur-*
6 *therance of, the performance of such functions, to*
7 *make arrests without warrant for any offense against*
8 *the United States committed in the presence of such*
9 *personnel, or for any felony cognizable under the laws*
10 *of the United States, if such personnel have reasonable*
11 *grounds to believe that the person to be arrested has*
12 *committed or is committing such felony, except that*
13 *any authority pursuant to this subparagraph may be*
14 *exercised only in accordance with guidelines approved*
15 *by the Director and the Attorney General and such*
16 *personnel may not exercise any authority for the serv-*
17 *ice of civil process or for the investigation of criminal*
18 *offenses;”.*

19 (b) *REQUIREMENT TO REPORT.—As soon as possible*
20 *after the date of an exercise of authority under subpara-*
21 *graph (B) of section 5(a)(4) of the Central Intelligence*
22 *Agency Act of 1949 (50 U.S.C. 403f(a)(4)), as added by*
23 *subsection (a)(3), and not later than 10 days after such*
24 *date, the Director of the Central Intelligence Agency shall*

1 *submit to the congressional intelligence committees a report*
2 *describing such exercise of authority.*

3 **SEC. 434. TECHNICAL AMENDMENTS RELATING TO TITLES**
4 **OF CERTAIN CENTRAL INTELLIGENCE AGEN-**
5 **CY POSITIONS.**

6 *Section 17(d)(3)(B)(ii) of the Central Intelligence*
7 *Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is amend-*
8 *ed—*

9 *(1) in subclause (I), by striking “Executive Di-*
10 *rector” and inserting “Associate Deputy Director”;*

11 *(2) in subclause (II), by striking “Deputy Direc-*
12 *tor for Operations” and inserting “Director of the*
13 *National Clandestine Service”;*

14 *(3) in subclause (III), by striking “Deputy Di-*
15 *rector for Intelligence” and inserting “Director of In-*
16 *telligence”;*

17 *(4) in subclause (IV), by striking “Deputy Direc-*
18 *tor for Administration” and inserting “Director of*
19 *Support”; and*

20 *(5) in subclause (V), by striking “Deputy Direc-*
21 *tor for Science and Technology” and inserting “Di-*
22 *rector of Science and Technology”.*

1 **SEC. 435. CLARIFYING AMENDMENTS RELATING TO SEC-**
2 **TION 105 OF THE INTELLIGENCE AUTHORIZA-**
3 **TION ACT FOR FISCAL YEAR 2004.**

4 *Section 105(b) of the Intelligence Authorization Act for*
5 *Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603;*
6 *31 U.S.C. 311 note) is amended—*

7 *(1) by striking “Director of Central Intelligence”*
8 *and inserting “Director of National Intelligence”; and*
9 *(2) by inserting “or in section 313 of such title,”*
10 *after “subsection (a)),”.*

11 **Subtitle C—Defense Intelligence**
12 **Components**

13 **SEC. 441. ENHANCEMENT OF NATIONAL SECURITY AGENCY**
14 **TRAINING PROGRAM.**

15 *Subsection (e) of section 16 of the National Security*
16 *Agency Act of 1959 (50 U.S.C. 402 note) is amended by*
17 *striking “(1) When an employee” and all that follows*
18 *through “(2) Agency efforts” and inserting “Agency efforts”.*

19 **SEC. 442. CODIFICATION OF AUTHORITIES OF NATIONAL**
20 **SECURITY AGENCY PROTECTIVE PERSONNEL.**

21 *The National Security Agency Act of 1959 (50 U.S.C.*
22 *402 note) is amended by adding at the end the following*
23 *new section:*

24 *“SEC. 21. (a) The Director of the National Security*
25 *Agency is authorized to designate personnel of the National*
26 *Security Agency to perform protective functions for the Di-*

1 *rector and for any personnel of the Agency designated by*
2 *the Director.*

3 “(b)(1) *In the performance of protective functions*
4 *under this section, personnel of the Agency designated to*
5 *perform protective functions pursuant to subsection (a) are*
6 *authorized, when engaged in, and in furtherance of, the per-*
7 *formance of such functions, to make arrests without a war-*
8 *rant for—*

9 “(A) *any offense against the United States com-*
10 *mitted in the presence of such personnel; or*

11 “(B) *any felony cognizable under the laws of the*
12 *United States if such personnel have reasonable*
13 *grounds to believe that the person to be arrested has*
14 *committed or is committing such felony.*

15 “(2) *The authority in paragraph (1) may be exercised*
16 *only in accordance with guidelines approved by the Direc-*
17 *tor and the Attorney General.*

18 “(3) *Personnel of the Agency designated to perform*
19 *protective functions pursuant to subsection (a) shall not ex-*
20 *ercise any authority for the service of civil process or the*
21 *investigation of criminal offenses.*

22 “(c) *Nothing in this section shall be construed to im-*
23 *pair or otherwise affect any authority under any other pro-*
24 *vision of law relating to the performance of protective func-*
25 *tions.*

1 “(d) *As soon as possible after the date of an exercise*
2 *of authority under this section and not later than 10 days*
3 *after such date, the Director shall submit to the congres-*
4 *sional intelligence committees a report describing such exer-*
5 *cise of authority.*

6 “(e) *In this section, the term ‘congressional intelligence*
7 *committees’ means—*

8 “(1) *the Select Committee on Intelligence of the*
9 *Senate; and*

10 “(2) *the Permanent Select Committee on Intel-*
11 *ligence of the House of Representatives.”.*

12 **SEC. 443. INSPECTOR GENERAL MATTERS.**

13 (a) *COVERAGE UNDER INSPECTOR GENERAL ACT OF*
14 *1978.—Subsection (a)(2) of section 8G of the Inspector Gen-*
15 *eral Act of 1978 (5 U.S.C. App. 8G) is amended—*

16 (1) *by inserting “the Defense Intelligence Agen-*
17 *cy,” after “the Corporation for Public Broadcasting,”;*

18 (2) *by inserting “the National Geospatial-Intel-*
19 *ligence Agency,” after “the National Endowment for*
20 *the Humanities,”; and*

21 (3) *by inserting “the National Reconnaissance*
22 *Office, the National Security Agency,” after “the Na-*
23 *tional Labor Relations Board,”.*

24 (b) *CERTAIN DESIGNATIONS UNDER INSPECTOR GEN-*
25 *ERAL ACT OF 1978.—Subsection (a) of section 8H of the*

1 *Inspector General Act of 1978 (5 U.S.C. App. 8H) is*
2 *amended by adding at the end the following new paragraph:*

3 “(3) *The Inspectors General of the Defense Intelligence*
4 *Agency, the National Geospatial-Intelligence Agency, the*
5 *National Reconnaissance Office, and the National Security*
6 *Agency shall be designees of the Inspector General of the*
7 *Department of Defense for purposes of this section.”.*

8 (c) *POWER OF HEADS OF ELEMENTS OVER INVES-*
9 *TIGATIONS.—Subsection (d) of section 8G of that Act—*

10 (1) *by inserting “(1)” after “(d)”;*

11 (2) *in the second sentence of paragraph (1), as*
12 *designated by paragraph (1) of this subsection, by*
13 *striking “The head” and inserting “Except as pro-*
14 *vided in paragraph (2), the head”;* and

15 (3) *by adding at the end the following new para-*
16 *graph:*

17 “(2)(A) *The Secretary of Defense, in consultation with*
18 *the Director of National Intelligence, may prohibit the In-*
19 *spector General of an element of the intelligence community*
20 *specified in subparagraph (D) from initiating, carrying*
21 *out, or completing any audit or investigation if the Sec-*
22 *retary determines that the prohibition is necessary to pro-*
23 *tect vital national security interests of the United States.*

24 “(B) *If the Secretary exercises the authority under sub-*
25 *paragraph (A), the Secretary shall submit to the committees*

1 of Congress specified in subparagraph (E) an appropriately
2 classified statement of the reasons for the exercise of the au-
3 thority not later than 7 days after the exercise of the author-
4 ity.

5 “(C) At the same time the Secretary submits under
6 subparagraph (B) a statement on the exercise of the author-
7 ity in subparagraph (A) to the committees of Congress spec-
8 ified in subparagraph (E), the Secretary shall notify the
9 Inspector General of such element of the submittal of such
10 statement and, to the extent consistent with the protection
11 of intelligence sources and methods, provide the Inspector
12 General with a copy of such statement. The Inspector Gen-
13 eral may submit to such committees of Congress any com-
14 ments on a notice or statement received by the Inspector
15 General under this subparagraph that the Inspector General
16 considers appropriate.

17 “(D) The elements of the intelligence community speci-
18 fied in this subparagraph are as follows:

19 “(i) The Defense Intelligence Agency.

20 “(ii) The National Geospatial-Intelligence Agen-
21 cy.

22 “(iii) The National Reconnaissance Office.

23 “(iv) The National Security Agency.

24 “(E) The committees of Congress specified in this sub-
25 paragraph are—

1 “(i) the Committee on Armed Services and the
2 Select Committee on Intelligence of the Senate; and

3 “(ii) the Committee on Armed Services and the
4 Permanent Select Committee on Intelligence of the
5 House of Representatives.”.

6 **SEC. 444. CONFIRMATION OF APPOINTMENT OF HEADS OF**
7 **CERTAIN COMPONENTS OF THE INTEL-**
8 **LIGENCE COMMUNITY.**

9 (a) *DIRECTOR OF NATIONAL SECURITY AGENCY.*—The
10 *National Security Agency Act of 1959 (50 U.S.C. 402 note)*
11 *is amended by inserting after the first section the following*
12 *new section:*

13 “*SEC. 2. (a) There is a Director of the National Secu-*
14 *rity Agency.*

15 “*(b) The Director of the National Security Agency*
16 *shall be appointed by the President, by and with the advice*
17 *and consent of the Senate.*

18 “*(c) The Director of the National Security Agency*
19 *shall be the head of the National Security Agency and shall*
20 *discharge such functions and duties as are provided by this*
21 *Act or otherwise by law.*”.

22 (b) *DIRECTOR OF NATIONAL RECONNAISSANCE OF-*
23 *FICE.*—*The Director of the National Reconnaissance Office*
24 *shall be appointed by the President, by and with the advice*
25 *and consent of the Senate.*

1 (c) *POSITIONS OF IMPORTANCE AND RESPONSIBILITY.*—
2

3 (1) *DESIGNATION OF POSITIONS.*—*The President*
4 *may designate any of the positions referred to in*
5 *paragraph (2) as positions of importance and respon-*
6 *sibility under section 601 of title 10, United States*
7 *Code.*

8 (2) *COVERED POSITIONS.*—*The positions referred*
9 *to in this paragraph are as follows:*

10 (A) *The Director of the National Security*
11 *Agency.*

12 (B) *The Director of the National Reconnaissance*
13 *Office.*

14 (d) *EFFECTIVE DATE AND APPLICABILITY.*—*The*
15 *amendments made by subsections (a) and (b) shall take ef-*
16 *fect on the date of the enactment of this Act and shall apply*
17 *upon the earlier of—*

18 (1) *the date of the nomination by the President*
19 *of an individual to serve in the position concerned,*
20 *except that the individual serving in such position as*
21 *of the date of the enactment of this Act may continue*
22 *to perform such duties after such date of nomination*
23 *and until the individual appointed to such position,*
24 *by and with the advice and consent of the Senate, as-*
25 *sumes the duties of such position; or*

1 (2) *the date of the cessation of the performance*
2 *of the duties of such position by the individual per-*
3 *forming such duties as of the date of the enactment*
4 *of this Act.*

5 **SEC. 445. CLARIFICATION OF NATIONAL SECURITY MIS-**
6 **SIONS OF NATIONAL GEOSPATIAL-INTEL-**
7 **LIGENCE AGENCY FOR ANALYSIS AND DIS-**
8 **SEMINATION OF CERTAIN INTELLIGENCE IN-**
9 **FORMATION.**

10 *Section 442(a) of title 10, United States Code, is*
11 *amended—*

12 (1) *by redesignating paragraph (2) as para-*
13 *graph (3);*

14 (2) *by inserting after paragraph (1) the fol-*
15 *lowing new paragraph (2):*

16 “(2)(A) *As directed by the Director of National Intel-*
17 *ligence, the National Geospatial-Intelligence Agency shall*
18 *also develop a system to facilitate the analysis, dissemina-*
19 *tion, and incorporation of likenesses, videos, and presen-*
20 *tations produced by ground-based platforms, including*
21 *handheld or clandestine photography taken by or on behalf*
22 *of human intelligence collection organizations or available*
23 *as open-source information, into the National System for*
24 *Geospatial Intelligence.*

1 “(B) The authority provided by this paragraph does
2 not include authority for the National Geospatial-Intel-
3 ligence Agency to manage tasking of handheld or clandes-
4 tine photography taken by or on behalf of human intel-
5 ligence collection organizations.”; and

6 (3) in paragraph (3), as so redesignated, by
7 striking “paragraph (1)” and inserting “paragraphs
8 (1) and (2)”.

9 **SEC. 446. SECURITY CLEARANCES IN THE NATIONAL**
10 **GEOSPATIAL-INTELLIGENCE AGENCY.**

11 *The Secretary of Defense shall, during the period be-*
12 *ginning on the date of the enactment of this Act and ending*
13 *on December 31, 2008, delegate to the Director of the Na-*
14 *tional Geospatial-Intelligence Agency personnel security*
15 *authority with respect to the National Geospatial-Intel-*
16 *ligence Agency (including authority relating to the use of*
17 *contractor personnel in investigations and adjudications for*
18 *security clearances) that is identical to the personnel secu-*
19 *rity authority of the Director of the National Security*
20 *Agency with respect to the National Security Agency.*

1 ***Subtitle D—Other Elements***

2 ***SEC. 451. CLARIFICATION OF INCLUSION OF COAST GUARD***
 3 ***AND DRUG ENFORCEMENT ADMINISTRATION***
 4 ***AS ELEMENTS OF THE INTELLIGENCE COM-***
 5 ***MUNITY.***

6 *Section 3(4) of the National Security Act of 1947 (50*
 7 *U.S.C. 401a(4)) is amended—*

8 (1) *in subparagraph (H)—*

9 (A) *by inserting “the Coast Guard,” after*
 10 *“the Marine Corps,”; and*

11 (B) *by inserting “the Drug Enforcement*
 12 *Administration,” after “the Federal Bureau of*
 13 *Investigation,”; and*

14 (2) *in subparagraph (K), by striking “, includ-*
 15 *ing the Office of Intelligence of the Coast Guard”.*

16 ***TITLE V—OTHER MATTERS***

17 ***Subtitle A—General Intelligence***
 18 ***Matters***

19 ***SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE***
 20 ***REVIEW OF THE RESEARCH AND DEVELOP-***
 21 ***MENT PROGRAMS OF THE UNITED STATES IN-***
 22 ***TELLIGENCE COMMUNITY.***

23 (a) *EXTENSION.—*

24 (1) *IN GENERAL.—Subsection (a) of section 1007*
 25 *of the Intelligence Authorization Act for Fiscal Year*

1 2003 (Public Law 107–306; 116 Stat. 2442) is
2 amended by striking “September 1, 2004” and insert-
3 ing “December 31, 2008”.

4 (2) *EFFECTIVE DATE.*—Subject to paragraph (3),
5 the amendment made by paragraph (1) shall take ef-
6 fect as if included in the enactment of such section
7 1007.

8 (3) *COMMISSION MEMBERSHIP.*—

9 (A) *IN GENERAL.*—The membership of the
10 National Commission for the Review of the Re-
11 search and Development Programs of the United
12 States Intelligence Community established under
13 subsection (a) of section 1002 of such Act (Public
14 Law 107–306; 116 Stat. 2438) (referred to in
15 this section as the “Commission”) shall be con-
16 sidered vacant and new members shall be ap-
17 pointed in accordance with such section 1002, as
18 amended by subparagraph (B).

19 (B) *TECHNICAL AMENDMENT.*—Paragraph
20 (1) of subsection (b) of such section 1002 is
21 amended by striking “The Deputy Director of
22 Central Intelligence for Community Manage-
23 ment.” and inserting “The Principal Deputy Di-
24 rector of National Intelligence.”.

25 (b) *FUNDING.*—

1 (1) *IN GENERAL.*—Of the amounts authorized to
2 be appropriated by this Act for the Intelligence Com-
3 munity Management Account, the Director of Na-
4 tional Intelligence shall make \$2,000,000 available to
5 the Commission to carry out title X of the Intelligence
6 Authorization Act for Fiscal Year 2003 (Public Law
7 107–306; 116 Stat. 2437).

8 (2) *AVAILABILITY.*—Amounts made available to
9 the Commission pursuant to paragraph (1) shall re-
10 main available until expended.

11 **SEC. 502. REPORT ON INTELLIGENCE ACTIVITIES.**

12 Not later than 120 days after the date of the enactment
13 of this Act, the Director of National Intelligence shall sub-
14 mit to the congressional intelligence committees a report de-
15 scribing authorizations, if any, granted during the 10-year
16 period ending on the date of the enactment of this Act to
17 engage in intelligence activities related to the overthrow of
18 a democratically elected government.

19 **SEC. 503. AERIAL RECONNAISSANCE PLATFORMS.**

20 Section 133(b) of the John Warner National Defense
21 Authorization Act for Fiscal Year 2007 (Public Law 109-
22 364; 120 Stat. 2112) is amended—

23 (1) in paragraph (1)—

1 (A) by striking “After fiscal year 2007” and
2 inserting “For each fiscal year after fiscal year
3 2007”; and

4 (B) by inserting “, in that fiscal year,”
5 after “Secretary of Defense”; and

6 (2) in paragraph (2)—

7 (A) by inserting “in a fiscal year” after
8 “Department of Defense”; and

9 (B) by inserting “in that fiscal year” after
10 “Congress”.

11 ***Subtitle B—Technical Amendments***

12 ***SEC. 511. TECHNICAL AMENDMENTS TO TITLE 10, UNITED*** 13 ***STATES CODE, ARISING FROM ENACTMENT*** 14 ***OF THE INTELLIGENCE REFORM AND TER-*** 15 ***RORISM PREVENTION ACT OF 2004.***

16 (a) *REFERENCES TO HEAD OF INTELLIGENCE COMMU-*
17 *NITY.*—Title 10, United States Code, is amended by striking
18 “Director of Central Intelligence” each place it appears and
19 inserting “Director of National Intelligence” in the fol-
20 lowing:

21 (1) Section 193(d)(2).

22 (2) Section 193(e).

23 (3) Section 201(a).

24 (4) Section 201(b)(1).

25 (5) Section 201(c)(1).

1 (6) *Section 425(a).*

2 (7) *Section 431(b)(1).*

3 (8) *Section 441(c).*

4 (9) *Section 441(d).*

5 (10) *Section 443(d).*

6 (11) *Section 2273(b)(1).*

7 (12) *Section 2723(a).*

8 (b) *CLERICAL AMENDMENTS.—Such title is further*
 9 *amended by striking “DIRECTOR OF CENTRAL INTEL-*
 10 *LIGENCE” each place it appears and inserting “DIRECTOR*
 11 *OF NATIONAL INTELLIGENCE” in the following:*

12 (1) *Section 441(c).*

13 (2) *Section 443(d).*

14 (c) *REFERENCE TO HEAD OF CENTRAL INTELLIGENCE*
 15 *AGENCY.—Section 444 of such title is amended by striking*
 16 *“Director of Central Intelligence” each place it appears and*
 17 *inserting “Director of the Central Intelligence Agency”.*

18 **SEC. 512. TECHNICAL AMENDMENT TO THE CENTRAL IN-**
 19 **TELLIGENCE AGENCY ACT OF 1949.**

20 *Section 5(a)(1) of the Central Intelligence Agency Act*
 21 *of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking “au-*
 22 *thorized under paragraphs (2) and (3) of section 102(a),*
 23 *subsections (c)(7) and (d) of section 103, subsections (a) and*
 24 *(g) of section 104, and section 303 of the National Security*
 25 *Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d),*

1 403–4(a), (g), and 405)” and inserting “authorized under
2 section 104A of the National Security Act of 1947 (50
3 U.S.C. 403–4a).”.

4 **SEC. 513. TECHNICAL AMENDMENTS RELATING TO THE**
5 **MULTIYEAR NATIONAL INTELLIGENCE PRO-**
6 **GRAM.**

7 (a) *IN GENERAL.*—Subsection (a) of section 1403 of
8 the National Defense Authorization Act for Fiscal Year
9 1991 (50 U.S.C. 404b) is amended—

10 (1) in the heading, by striking “FOREIGN”; and

11 (2) by striking “foreign” each place it appears.

12 (b) *RESPONSIBILITY OF DIRECTOR OF NATIONAL IN-*
13 *TELLIGENCE.*—That section is further amended—

14 (1) in subsections (a) and (c), by striking “Di-
15 rector of Central Intelligence” and inserting “Director
16 of National Intelligence”; and

17 (2) in subsection (b), by inserting “of National
18 Intelligence” after “Director”.

19 (c) *CONFORMING AMENDMENT.*—The heading of that
20 section is amended to read as follows:

1 **“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PRO-**
2 **GRAM.”.**

3 **SEC. 514. TECHNICAL CLARIFICATION OF CERTAIN REF-**
4 **ERENCES TO JOINT MILITARY INTELLIGENCE**
5 **PROGRAM AND TACTICAL INTELLIGENCE AND**
6 **RELATED ACTIVITIES.**

7 *Section 102A of the National Security Act of 1947 (50*
8 *U.S.C. 403–1) is amended—*

9 *(1) in subsection (c)(3)(A), by striking “annual*
10 *budgets for the Joint Military Intelligence Program*
11 *and for Tactical Intelligence and Related Activities”*
12 *and inserting “annual budget for the Military Intel-*
13 *ligence Program or any successor program or pro-*
14 *grams”; and*

15 *(2) in subsection (d)(1)(B), by striking “Joint*
16 *Military Intelligence Program” and inserting “Mili-*
17 *tary Intelligence Program or any successor program*
18 *or programs”.*

19 **SEC. 515. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**
20 **CURITY ACT OF 1947.**

21 *The National Security Act of 1947 (50 U.S.C. 401 et*
22 *seq.) is amended as follows:*

23 *(1) In section 102A (50 U.S.C. 403–1)—*

24 *(A) in subsection (d)—*

25 *(i) in paragraph (3), by striking “sub-*
26 *paragraph (A)” in the matter preceding*

1 subparagraph (A) and inserting “para-
2 graph (1)(A)”;

3 (ii) in paragraph (5)(A), by striking
4 “or personnel” in the matter preceding
5 clause (i); and

6 (iii) in paragraph (5)(B), by striking
7 “or agency involved” in the second sentence
8 and inserting “involved or the Director of
9 the Central Intelligence Agency (in the case
10 of the Central Intelligence Agency)”;

11 (B) in subsection (l)(2)(B), by striking “sec-
12 tion” and inserting “paragraph”; and

13 (C) in subsection (n), by inserting “AND
14 OTHER” after “ACQUISITION”.

15 (2) In section 119(c)(2)(B) (50 U.S.C.
16 4040(c)(2)(B)), by striking “subsection (h)” and in-
17 serting “subsection (i)”.

18 (3) In section 705(e)(2)(D)(i) (50 U.S.C.
19 432c(e)(2)(D)(i)), by striking “responsible” and in-
20 serting “responsive”.

21 **SEC. 516. TECHNICAL AMENDMENTS TO THE INTELLIGENCE**
22 **REFORM AND TERRORISM PREVENTION ACT**
23 **OF 2004.**

24 (a) **AMENDMENTS TO NATIONAL SECURITY INTEL-**
25 **LIGENCE REFORM ACT OF 2004.**—*The National Security*

1 *Intelligence Reform Act of 2004 (title I of Public Law 108–*
2 *458; 118 Stat. 3643) is amended as follows:*

3 (1) *In section 1016(e)(10)(B) (6 U.S.C.*
4 *485(e)(10)(B)), by striking “Attorney General” the*
5 *second place it appears and inserting “Department of*
6 *Justice”.*

7 (2) *In section 1071(e), by striking “(1)”.*

8 (3) *In section 1072(b), in the subsection heading*
9 *by inserting “AGENCY” after “INTELLIGENCE”.*

10 (b) *OTHER AMENDMENTS TO INTELLIGENCE REFORM*
11 *AND TERRORISM PREVENTION ACT OF 2004.—The Intel-*
12 *ligence Reform and Terrorism Prevention Act of 2004 (Pub-*
13 *lic Law 108–458; 118 Stat. 3638) is amended as follows:*

14 (1) *In section 2001 (28 U.S.C. 532 note)—*

15 (A) *in subsection (c)(1), by inserting “of”*
16 *before “an institutional culture”;*

17 (B) *in subsection (e)(2), by striking “the*
18 *National Intelligence Director in a manner con-*
19 *sistent with section 112(e)” and inserting “the*
20 *Director of National Intelligence in a manner*
21 *consistent with applicable law”;* and

22 (C) *in subsection (f), by striking “shall,” in*
23 *the matter preceding paragraph (1) and insert-*
24 *ing “shall”.*

25 (2) *In section 2006 (28 U.S.C. 509 note)—*

1 (A) in paragraph (2), by striking “the Fed-
2 eral” and inserting “Federal”; and

3 (B) in paragraph (3), by striking “the spe-
4 cific” and inserting “specific”.

5 **SEC. 517. TECHNICAL AMENDMENTS TO THE EXECUTIVE**
6 **SCHEDULE.**

7 (a) *EXECUTIVE SCHEDULE LEVEL II.*—Section 5313
8 of title 5, United States Code, is amended by striking the
9 item relating to the Director of Central Intelligence and in-
10 serting the following new item:

11 “Director of the Central Intelligence Agency.”.

12 (b) *EXECUTIVE SCHEDULE LEVEL III.*—Section 5314
13 of title 5, United States Code, is amended by striking the
14 item relating to the Deputy Directors of Central Intelligence
15 and inserting the following new item:

16 “Deputy Director of the Central Intelligence Agency.”.

17 (c) *EXECUTIVE SCHEDULE LEVEL IV.*—Section 5315
18 of title 5, United States Code, is amended by striking the
19 item relating to the General Counsel of the Office of the
20 National Intelligence Director and inserting the following
21 new item:

22 “General Counsel of the Office of the Director of Na-
23 tional Intelligence.”.

And the Senate agree to the same.